Table of Statutes referred to in this Act

Short Title	Session and Chapter
Registration of Leases (Scotland) Act, 1857 ...	20 & 21 Vict. c. 26.
Conveyancing (Scotland) Act, 1874	37 & 38 Vict. c. 94.
Conveyancing (Scotland) Act, 1924	14 & 15 Geo. 5. c. 27.
Coal Industry Nationalisation Act, 1946 ...	9 & 10 Geo. 6. c. 59.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Long Leases (Temporary Provisions) (Scotland) Act, 1951	14 & 15 Geo. 6. c. 28.
Leasehold Property Act and Long Leases (Scotland) Act Extension Act, 1953	1 & 2 Eliz. 2. c. 12.

CHAPTER 50

Housing Repairs and Rents (Scotland) Act, 1954

ARRANGEMENT OF SECTIONS

PART I

FURTHER PROVISIONS AS TO CLEARANCE AND REDEVELOPMENT, RECONDITIONING OF UNFIT HOUSES, AND OTHER AMENDMENTS OF HOUSING (SCOTLAND) ACT, 1950

Additional powers in respect of clearance areas and other houses liable to demolition

Section
1. Proposals for exercise of functions of local authorities as to clearance areas, etc.
2. Power of local authorities to retain for temporary occupation certain houses in clearance areas.
3. Power of local authorities to purchase houses liable to demolition or closing orders.
4. Exchequer contributions towards expenses of local authorities under ss. 2 and 3 of Act or under s. 17 of principal Act.
5. Local authorities' contributions.
6. Licences for temporary occupation of houses subject to existing clearance or demolition orders.

Miscellaneous amendments of Housing (Scotland) Act, 1950, etc.

7. Recovery by lessees of proportion of expenses incurred in rendering houses fit for human habitation.
8. Amendments as to clearance orders and compulsory purchase orders under principal Act.
9. Provisions as to Housing Revenue Accounts.

Section
10. Amendments of Part VII of principal Act.
11. Consequential and minor amendments of principal Act.
12. Extension of period of use of open spaces for temporary housing accommodation.

Supplemental

13. Management of houses purchased or retained by local authorities for use for housing purposes.
14. Limitation of liability of trustees, etc. for expenses of local authorities in certain cases.
15. Interpretation and construction of Part I.

PART II

REPAIRS INCREASE IN RESPECT OF CONTROLLED DWELLING-HOUSES AND OTHER AMENDMENTS OF THE RENT ACTS, ETC.

Repairs increase

16. Repairs increase.
17. Notices of increase.
18. Determination whether conditions fulfilled to justify increase of rent.
19. Application of last foregoing section to certain increases under Rent Acts.
20. Application of foregoing provisions of Part II of Act to certain classes of dwelling-house.
21. Passing on of repairs increase to sub-tenant.
22. Repairs increase not to be payable twice over.
23. Responsibility of landlord for repairs.
24. Supplementary provisions as to repair.

Other amendments of Rent Acts

25. Exclusion from Rent Acts of lettings by local authorities, development corporations, housing associations, etc.
26. Provisions taking effect on cesser of exemption from Rent Acts.
27. Exclusion from Rent Acts of dwelling-houses converted or erected after commencement of Act.
28. Amendment of s. 1 of Act of 1949.
29. Power to charge premium on assignation of rent-controlled tenancy where premium lawfully charged on earlier assignation.
30. Payments for outgoings, improvements or goodwill on grant or assignation of tenancies.
31. Increase for rise in cost of services provided under pre-1939 lettings.
32. Modification of s. 15 (3) of Act of 1920.
33. Amendment of meaning of expression " tenant " in Act of 1920.
34. Service of notice on prospective tenants.

Provisions as to valuation and rating

35. Repairs increase, etc., not to be taken into account for valuation and rating.
36. Limitation of owners' rates on houses subject to repairs increase.

Supplemental

37. Service by post.
38. Procedure of tribunals.
39. Interpretation of Part II.

PART III

GENERAL PROVISIONS

Section
40. Regulations and orders.
41. Provisions as to applications and appeals to sheriff.
42. Interpretation.
43. Financial provisions.
44. Short title, commencement, repeals and extent.

SCHEDULES:
First Schedule—Proof of past repairs by landlord.
Second Schedule—Modifications of Part II of Act in application to certain classes of dwelling-house.
Third Schedule—Modifications of Rents Acts in application to tenancies previously exempted under s. 3 (2) (*c*) of the Act of 1939.
Fourth Schedule—Repeals.

An Act to make further provision as respects Scotland for the clearance and redevelopment of areas of unfit housing accommodation, and for securing or promoting the reconditioning and maintenance of houses, and otherwise to amend the enactments relating to housing and rent control; to provide for disregarding for the purposes of valuation and rating increases in the rent of certain houses in respect of expenditure incurred in reconditioning and maintaining those houses; to limit the rates payable by owners of rent-controlled houses; and for purposes connected with the matters aforesaid.

[30th July, 1954]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

FURTHER PROVISIONS AS TO CLEARANCE AND REDEVELOPMENT, RECONDITIONING OF UNFIT HOUSES, AND OTHER AMENDMENTS OF HOUSING (SCOTLAND) ACT, 1950

Additional powers in respect of clearance areas and other houses liable to demolition

Proposals for exercise of functions of local authorities as to clearance areas, etc.

1.—(1) Subject to the provisions of this section, every local authority shall, within one year after the commencement of this Act, submit to the Secretary of State in such form as the Secretary of State may require proposals for dealing, under Parts II and III of the principal Act or under the following provisions of this Part of this Act, with houses within the district of the

PART I —*cont.*

authority which appear to the authority to be unfit for human habitation and with any other houses within that district which are or in the opinion of the authority ought to be included in clearance areas.

(2) If in the case of any local authority it appears to the Secretary of State that in view of the high proportion of houses within their district which are unfit for human habitation, or of other exceptional circumstances, it is not reasonably practicable for that authority to submit proposals under the foregoing subsection within the period therein mentioned, he may authorise that authority to submit within that period such partial proposals as he may direct or to submit proposals under the foregoing subsection within such extended period as he considers appropriate.

(3) The Secretary of State may approve proposals submitted by a local authority under this section with or without modifications, and thereafter it shall be the duty of the authority to carry out their functions under the said provisions of the principal Act and this Part of this Act in accordance with the proposals as so approved, subject to any modifications made by subsequent proposals so approved.

(4) A local authority may at any time, and if directed by the Secretary of State shall within the period specified in the direction, submit further proposals for amplifying or modifying any proposals previously submitted by that authority and approved under this section; and subsection (3) of this section shall apply to any such further proposals.

(5) A copy of any proposals approved under this section shall be deposited at the offices of the local authority concerned, and shall be open to inspection without charge during ordinary office hours.

Power of local authorities to retain for temporary occupation certain houses in clearance areas.

2.—(1) Notwithstanding anything in subsection (3) of section twenty-five of the principal Act or in section thirty of that Act, a local authority by whom an area has been declared (whether before or after the commencement of this Act) to be a clearance area under the said section twenty-five may postpone for such period as may be determined by the authority without undue postponement of the clearance of the area the demolition of any building on land purchased by or belonging to the authority within that area, being a building which is or which contains a house which in the opinion of the authority, having regard to its existing condition and to the needs of the district with regard to the provision of further housing accommodation, must be continued in use as housing accommodation for the time being, and where the demolition of such a building is so postponed,

PART I —*cont.*

shall carry out such works as may in the opinion of the authority from time to time be required for rendering or keeping such house capable of being continued in use as housing accommodation pending its demolition.

(2) Where the demolition of any building in a clearance area is postponed under the foregoing subsection, the local authority may also postpone the taking of any proceedings under the said subsection (3) in respect of any other building within that area; and subsection (2) of section twenty-nine of the principal Act (which limits the period within which compulsory purchase orders may be submitted in respect of land comprised in or surrounded by or adjoining a clearance area) shall not apply to the purchase of any land in the area, on which there is a building in respect of which proceedings have been postponed under this subsection, or to the purchase of any land surrounded by or adjoining the area.

(3) The power of a local authority under Part III of the principal Act to purchase land within a clearance area may be exercised, for the purpose of acquiring any land within that area on which there is a building which is or which contains a house which in the opinion of the authority, having regard to the matters mentioned in subsection (1) of this section, must be continued in use as housing accommodation for the time being, notwithstanding that a clearance order has been made in respect of the building before the commencement of this Act or that any proceedings have been taken in pursuance of such an order; and on the completion of the purchase of any such land the clearance order shall cease to have effect so far as it relates to such building.

(4) An order under section twenty-nine of the principal Act authorising the compulsory purchase by a local authority of any land on which there is such a building as is mentioned in subsection (1) of this section within an area declared as a clearance area before the commencement of this Act may, notwithstanding anything in subsection (2) of that section, be submitted to the Secretary of State at any time not later than six months after the approval under section one of this Act of proposals submitted by that authority under subsection (1) of the said section one.

Power of local authorities to purchase houses liable to demolition or closing orders.

3.—(1) In any case where a local authority would, apart from this subsection,—

(*a*) be required to make a demolition order in respect of a house in pursuance of a notice served by them under subsection (1) of section nine of the principal Act or in pursuance of an application made to them under section ten of that Act; or

PART I —*cont.*

(*b*) be empowered under subsection (1) of section twelve of that Act to recall a closing order in respect of a house and to make a demolition order in respect thereof;

the authority, if it appears to them that, having regard to the existing condition of the house and to the needs of the district with regard to the provision of further housing accommodation, the house must be continued in use as housing accommodation, may purchase the house in lieu of making such an order.

(2) A local authority by whom a house is purchased under this section shall carry out such works as may in the opinion of the authority from time to time be required for rendering or keeping it capable of being continued in use as housing accommodation.

(3) Where a local authority determine to purchase a house under subsection (1) of this section, they shall serve notice of the determination on every person upon whom they would be required to serve a copy of a demolition order made in respect of the house under section nine of the principal Act, and on the superior of, and the holder of any heritable security over, the house; and section sixteen of the principal Act (which provides for an appeal against certain notices and orders under Part II of that Act) shall apply in relation to any such notice as it applies in relation to a demolition order.

(4) At any time after a notice served under the last foregoing subsection in respect of a house has become operative under subsection (3) of the said section sixteen, the authority may purchase the house by agreement or may be authorised by the Secretary of State to purchase it compulsorily; and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply to a compulsory purchase under this section as if this section had been in force immediately before the commencement of that Act.

(5) The compensation to be paid for a house purchased compulsorily under this section shall be calculated in accordance with subsection (4) of section seventeen of the principal Act (which regulates the compensation payable for the compulsory purchase under that section of a house unfit for human habitation which cannot be rendered so fit at reasonable expense).

Exchequer contributions towards expenses of local authorities under ss. 2 and 3 of Act or under s. 17 of principal Act.

4.—(1) The Secretary of State may, out of moneys provided by Parliament, make such contributions as are authorised by this section towards expenditure incurred by local authorities in respect of houses approved by the Secretary of State for the purposes of this section, being—

(*a*) houses purchased by them under subsection (1) of section seventeen of the principal Act; or

(*b*) houses of which the demolition is postponed under section two of this Act; or

(*c*) houses purchased under section three of this Act or under that section as applied by section six of this Act.

(2) Subject to the following provisions of this section, the contributions payable by the Secretary of State in respect of any house shall be as follows, that is to say,—

(*a*) in the case of a house purchased by the local authority an annual payment equal to one-half of the annual loan charges referable to the cost of the purchase, payable for each financial year during the whole or part of which the house or any part of the house is used for housing purposes with the approval of the Secretary of State; and

(*b*) in any case an annual payment of seven pounds five shillings, payable for fifteen years from the date on which the house is approved for the purposes of this section:

Provided that the Secretary of State may from time to time by order direct that paragraph (*b*) of this subsection shall have effect, in relation to houses approved after the date on which the order comes into force, as if for the sum therein specified there were substituted such higher or lower sum as may be specified in the order.

(3) If it appears to the Secretary of State that the expenditure incurred as a whole by a local authority in carrying out works on houses approved by the Secretary of State for the purposes of this section is unduly low having regard to the amount of the contribution for the time being payable in respect of those houses under paragraph (*b*) of subsection (2) of this section, he may withhold the whole or any part of the contributions payable under that paragraph to that authority.

(4) An order of the Secretary of State under subsection (2) of this section shall be of no effect until it is approved by a resolution of the Commons House of Parliament.

(5) For the purposes of this section the annual loan charges referable to the cost of a purchase shall (whatever may be the manner in which the local authority have provided or intend to provide the money required for the purchase) be the annual sum which, in the opinion of the Secretary of State, would fall to be provided by the local authority for the payment of interest on, and the repayment of, an amount of borrowed money equal to the said cost, being money the period for the repayment of which is sixty years.

PART I —*cont.*

Local authorities' contributions.

5.—(1) A local authority to whom contributions are payable by the Secretary of State in respect of a house under the last foregoing section shall make for each financial year a contribution of an amount equal to the contributions so payable by the Secretary of State for that year in respect of the house.

(2) The Secretary of State may from time to time by order direct that the foregoing subsection shall have effect, in relation to houses approved by him for the purposes of the last foregoing section after the date on which the order comes into force, as if for the reference to an amount equal to the contributions so payable by the Secretary of State as aforesaid there were substituted a reference to an amount bearing such proportion to the said contributions as may be specified in the order.

An order of the Secretary of State under this subsection shall be of no effect until it is approved by a resolution of the Commons House of Parliament.

Licences for temporary occupation of houses subject to existing clearance or demolition orders.

6.—(1) Where any house in respect of which a clearance order or demolition order had been made by a local authority under Part II or Part III of the principal Act, or an undertaking that the house will not be used for human habitation had been accepted by that authority under subsection (2) of section nine of that Act, before the commencement of this Act was, immediately before the commencement of this Act,—

(*a*) in the possession of a competent authority by virtue of Regulation 51 of the Defence (General) Regulations, 1939; or

(*b*) the subject of a licence in force under Regulation 68B or 68BB of those Regulations authorising the occupation of the house,

the local authority may, from time to time, grant to the person who, but for the said order or undertaking, would be entitled to authorise the occupation of the house a licence permitting the occupation of the house during such period as may be specified in the licence by such number of persons and on such terms as to the rent and other conditions on which the house may be occupied as may be so specified:

Provided that no licence shall be granted so as to have effect after the expiration of the period of three years beginning with the commencement of this Act, or of such extended period as the Secretary of State may in any particular case allow in pursuance of an application made by the local authority within the said period of three years.

(2) While a licence granted under this section is in force in respect of a house, sections fifteen and one hundred and

PART I —*cont.*

fifty-seven of the principal Act (which prohibit the occupation of houses subject to closing, clearance or demolition orders or to undertakings and provide for their vacation) shall not apply thereto.

(3) Any licence granted by a local authority under this section may be revoked by that authority at any time, and shall be so revoked if it appears to the authority that the house is no longer in such a condition as to be capable of being continued in use as housing accommodation.

(4) On the revocation or expiration of a licence granted under this section in respect of a house subject to a demolition order, the local authority may, if they think fit, revoke the demolition order and purchase the house under section three of this Act as if that order had not been made; and in relation to such a purchase that section shall apply as if subsection (3), and in subsection (4) the words from the beginning to " section sixteen " were omitted.

(5) Subsection (3) of section two of this Act shall not apply to any house subject to a clearance order so long as a licence in respect of the house is in force under this section; and in calculating the period during which a compulsory purchase order for the purchase of land including such a house may be submitted under subsection (4) of the said section two, any time during which such a licence was in force in respect of the house shall be disregarded.

(6) Regulations 68B and 68BB of the Defence (General) Regulations, 1939, are hereby revoked; but any licence in force under either of those regulations in respect of a house immediately before the commencement of this Act shall continue in force and have effect as if granted under this section for a period of three months from the commencement of this Act and may be revoked thereunder accordingly.

Miscellaneous amendments of Housing (Scotland) Act, 1950, etc.

Recovery by lessees of proportion of expenses incurred in rendering houses fit for human habitation.

7.—(1) Where any person who incurs expenditure in complying with a notice under section seven of the principal Act requiring the execution of works for rendering a house fit for human habitation, or in defraying expenses incurred by a local authority under section eight of that Act in carrying out such works, is a lessee of the house or the agent of such a lessee, the lessee may recover from the lessor under the lease such part (if any) of that expenditure as may, in default of agreement between the parties, be determined on the application of either of them by the sheriff to be just having regard—

(*a*) to the obligations of the lessor and the lessee under the lease with respect to the repair of the house;

PART I —*cont.*

(*b*) to the length of the unexpired term of the lease;

(*c*) to the rent payable under the lease; and

(*d*) to all other relevant circumstances:

Provided that no sum shall be recoverable under this subsection unless the lessee or his agent within seven days after the service of such notice as aforesaid gave written intimation to the lessor of the service of the notice and of the purport thereof.

(2) Where a person from whom any sum is recoverable under the foregoing subsection is himself a lessee of the house, the provisions of that subsection shall apply as if any sum so recoverable from him were expenditure incurred as mentioned in that subsection.

(3) In this section "lease" includes a sub-lease and any tenancy, and the expressions "lessee" and "lessor" shall be construed accordingly.

Amendments as to clearance orders and compulsory purchase orders under principal Act.

8.—(1) The powers of acquiring land comprised in or surrounded by or adjoining a clearance area conferred by Part III of the principal Act shall not be restricted by the fact that buildings within that area have been demolished since the area was declared to be a clearance area.

(2) Any notice required or authorised to be given in connection with the compulsory purchase of land under Part III of the principal Act may, notwithstanding anything in section three hundred and forty-nine of the Local Government (Scotland) Act, 1947, be served in accordance with the provisions of that section.

Provisions as to Housing Revenue Accounts.

9.—(1) Section one hundred and thirty-seven of the principal Act (which requires local authorities to keep a housing revenue account in respect of certain houses, buildings, land and dwellings therein mentioned) shall have effect as if any house approved by the Secretary of State for the purposes of section four of this Act were included among the houses so mentioned; and any reference in section one hundred and thirty-eight of that Act (which relates to credits and debits in housing revenue accounts) to such houses, buildings, land and dwellings as are mentioned in the said section one hundred and thirty-seven shall be construed accordingly.

(2) A local authority shall in any financial year debit to their housing revenue account amounts equal to the loan charges which they are liable to pay for that year in respect of moneys borrowed for the purpose of purchasing any houses to which the foregoing subsection applies or in respect of moneys borrowed for the purpose of carrying out works on such houses.

PART I —*cont.*

Amendments of Part VII of principal Act.

10.—(1) It is hereby declared that estimates under subsection (2) of section one hundred and eleven of the principal Act of expenses to be incurred for the purposes of the execution of improvement works may include fees payable to professional persons employed in connection with those works.

(2) Paragraph (*c*) of subsection (3) of section one hundred and eleven of the principal Act (which precludes the approval by a local authority of an application for an improvement grant unless the applicant is either the owner of the land or the lessee under a lease with not less than thirty years to run) shall have effect as if for the reference to a period of not less than thirty years there were substituted a reference to whichever is the shorter of the following two periods, that is to say—

(*a*) thirty years; or

(*b*) a period equal to that for which the dwellings concerned will provide satisfactory housing accommodation.

(3) A local authority shall not be debarred from entertaining an application for an improvement grant under section one hundred and eleven of the principal Act by reason only that the amount of the expenses estimated to be incurred for the purposes of the execution of the proposed improvement works exceeds six hundred pounds or such other amount as may for the time being be prescribed; and accordingly in subsection (4) of the said section one hundred and eleven for the words "is neither less than" to the end of the subsection there shall be substituted the words "is not less than one hundred pounds or such other amount as may for the time being be prescribed".

(4) For subsection (1) of section one hundred and twelve of the principal Act (which subsection limits the amount which may be paid by way of an improvement grant) there shall be substituted the following subsection—

"(1) The amount which may be paid by way of an improvement grant in respect of expenses incurred for the purpose of the execution of any improvement works shall be an amount not exceeding either—

(*a*) such fraction of the approved expense of executing those works, not exceeding one-half thereof, as may be determined by the local authority when they approve the application for the grant; or

(*b*) four hundred pounds or such other amount as may for the time being be prescribed:

Provided that—

(i) where the local authority, with the concurrence of the Secretary of State, are satisfied in the case of any particular application that in all the circumstances of the case there is good reason for the payment of

PART I —*cont*

a higher amount than the amount authorised under this subsection, the amount of the improvement grant may be such amount in excess of four hundred pounds or such other amount as may for the time being be prescribed, but not exceeding one-half of the approved expense of executing the works, as may, with the consent of the Secretary of State, be determined as aforesaid;

(ii) where the local authority are satisfied that the expense of executing the improvement works was materially enhanced by reason of measures taken to preserve the architectural or historic interest of the house or building to which the application relates, the amount of the improvement grant may be such fraction of the approved expense of executing the works, in excess of one-half thereof, or such amount in excess of four hundred pounds or such other amount as may for the time being be prescribed, as may, with the consent of the Secretary of State, be determined as aforesaid."

(5) A local authority in fixing under section one hundred and thirteen of the principal Act the rent for a dwelling in respect of which an improvement grant is to be made under that Act shall have regard to the age of the building, to the character and condition of the dwelling after the carrying out of the proposed improvement works, and to the cost of those works.

(6) In subsection (1) of section one hundred and fourteen of the principal Act (under which section conditions are required to be observed for a period of years with respect to a dwelling in respect of which an improvement grant has been paid) for the words " for a period of twenty years beginning with " there shall be substituted the words " for a period of twenty years or, where the application for the improvement grant in respect of the dwelling was approved in pursuance of paragraph (i) of the proviso to subsection (3) of section one hundred and eleven of this Act, for such shorter period, not being less than ten years, as the local authority may determine, beginning, in each case, with ".

(7) Sub-paragraph (ii) of paragraph (*c*) of subsection (1) of section one hundred and fourteen of the principal Act (under which the maximum rent payable for a dwelling in respect of which an improvement grant has been made under that Act is, in certain cases, determined by reference to a percentage of so much of the cost of improvement as is not set off by the grant) shall have effect in relation to improvement works completed after the thirteenth day of November, nineteen hundred and fifty-three, as if for the words " six per cent." there were substituted the words " eight per cent.".

PART I —*cont.*

Consequential and minor amendments of principal Act.

11.—(1) The Sixth Schedule to the principal Act (which specifies the contributions in that Act referred to as Exchequer contributions) shall have effect as if at the end of Part I there were added the following words:—

"12. Section four of the Housing (Repairs and Rents) (Scotland) Act, 1954."

(2) The Eighth Schedule to the principal Act (which specifies the contributions payable by local authorities) shall have effect as if after paragraph 11 there were inserted the following words:—

"11A. The contributions payable by the local authority under section five of the Housing (Repairs and Rents) (Scotland) Act, 1954."

(3) The power conferred on a local authority by subsection (1) of section one hundred and thirty-one of the principal Act to make allowances towards the expenses incurred by persons displaced in consequence of the exercise of certain powers shall include power to make allowances to persons displaced from a house in pursuance of an undertaking accepted from the owner of the house under subsection (2) of section nine of that Act that the house will not be used for human habitation, or from a house purchased under section seventeen of that Act or section three of this Act, and accordingly in the said subsection (1) after paragraph (*c*) thereof there shall be inserted the following paragraphs—

"or (*d*) in respect of which an undertaking that the house will not be used for human habitation has been accepted under subsection (2) of section nine of this Act from the owner by the local authority; or

(*e*) which has been purchased under section seventeen of this Act or under section three of the Housing (Repairs and Rents) (Scotland) Act, 1954, or under that section as applied by section six of that Act."

Extension of period of use of open spaces for temporary housing accommodation.

12.—(1) Subject to the provisions of this section, an authorisation in force at the commencement of this Act under section one of the Housing (Temporary Accommodation) Act, 1945 (which enables the Secretary of State to authorise the use of open spaces during a limited period for temporary housing accommodation), may, notwithstanding anything in subsection (3) of that section, be extended by order of the Secretary of State so as to determine (unless previously revoked) on any date not later than the end of the year nineteen hundred and sixty-five.

(2) Not more than one order shall be made under this section in respect of any one authorisation; and before making an order under this section for extending any authorisation for a period exceeding five years the Secretary of State shall cause a local inquiry to be held.

PART I —*cont.*

(3) A local authority to whom such an authorisation as aforesaid has been granted shall, if the Secretary of State so requires, submit to him within three months after the date of such requirement proposals for the re-housing elsewhere of persons occupying housing accommodation on the land to which the authorisation relates.

(4) The Secretary of State may approve the proposals submitted by a local authority under subsection (3) of this section with or without modifications, and thereafter it shall be the duty of the authority to give effect to the proposals as so approved.

Supplemental

Management of houses purchased or retained by local authorities for use for housing purposes.

13.—(1) In respect of any house purchased by a local authority under section seventeen of the principal Act or purchased or retained by a local authority under this Act for use for housing purposes, the authority shall have the like powers and duties as they have in respect of houses provided under Part V of the principal Act.

(2) Section three of the principal Act (which implies in certain contracts for the letting of houses for human habitation a condition that the house is and will be kept by the landlord reasonably fit for human habitation) shall not apply to a contract for the letting by a local authority of any house purchased or retained by the authority under this Act for use for housing purposes.

Limitation of liability of trustees, etc. for expenses of local authorities in certain cases.

14.—(1) Where in pursuance of any enactment (whether contained in a public general Act or in a local Act) a local authority seek to recover from any person as being the person for the time being entitled to receive, or who would if the same were let be entitled to receive, the rents of any premises, being a house or a building which contains a house or a part of such a building, the expenses incurred by the authority in the execution of works in relation to the premises, then, if that person proves—

(*a*) that he is receiving the rents merely as trustee, factor, tutor, curator or agent for some other person, or as liquidator of a company; and

(*b*) that he has not, and since the date of the service on him of a demand for payment of the expenses aforesaid has not had, in his hands on behalf of that other person or, in the case of a liquidator of a company, on behalf of the creditors or members of the company, sufficient funds, rents and other assets to discharge the whole demand of the authority;

his liability shall, notwithstanding anything in the said enactment, be limited to the total amount of the funds, rents and other assets which he has, or has had, in his hands as aforesaid.

PART I —*cont.*

(2) Nothing in the foregoing subsection shall prejudice or affect any right of a local authority to recover from any person other than such a trustee, factor, tutor, curator or agent or liquidator as aforesaid the whole or any part of any expenses recoverable by them in pursuance of any such enactment as aforesaid or otherwise.

(3) The proviso to subsection (3) of section eight of the principal Act shall cease to have effect.

Interpretation and construction of Part I.

15.—(1) In this Part of this Act the expression " the principal Act " means the Housing (Scotland) Act, 1950.

(2) Any reference in this Part of this Act to a demolition order under Part II of the principal Act shall be construed as including a reference to a closing order made in lieu of a demolition order by virtue of the proviso to subsection (4) of section nine of that Act.

(3) This Part of this Act shall be construed as one with the principal Act; and without prejudice to the foregoing provision—

(*a*) any reference in the principal Act to an enactment contained in that Act shall be construed as a reference to that enactment as amended by this Part of this Act;

(*b*) any reference in that Act to Part II or Part III of that Act shall be construed as including a reference to section three of this Act, or to section two of this Act, as the case may be.

PART II

REPAIRS INCREASE IN RESPECT OF CONTROLLED DWELLING-HOUSES, AND OTHER AMENDMENTS OF THE RENT ACTS, ETC.

Repairs increase

Repairs increase.

16.—(1) Where a dwelling-house is let under a controlled tenancy or occupied by a statutory tenant, and the landlord is responsible, wholly or in part, for the repair of the dwelling-house, then, subject to the provisions of this Part of this Act,—

(*a*) if and so long as the following conditions (hereinafter referred to as " the conditions justifying an increase of rent ") are fulfilled, that is to say,

(i) that the dwelling-house is in good and tenantable repair, and

(ii) that it is not in any other respect unfit for human habitation,

and

PART II —*cont.*

(*b*) if in accordance with the First Schedule to this Act the landlord has produced satisfactory evidence that work to the value specified in that Schedule has been carried out on the dwelling-house during the period so specified,

the rent recoverable from the tenant shall, notwithstanding anything in the terms of the tenancy or statutory tenancy or any enactment, be increased by virtue of this subsection so as to exceed by the amount hereinafter mentioned the rent which apart from this subsection would be recoverable from the tenant under the terms of the tenancy or statutory tenancy and having regard to the provisions of any enactment.

(2) The amount of any increase payable by virtue of the foregoing subsection (which increase is hereinafter referred to as a " repairs increase ") shall be an amount equal to two-fifths of the rent which was recoverable in respect of the dwelling-house immediately before the commencement of this Act:

Provided that where the landlord is responsible in part only for the repair of the dwelling-house, the amount of the repairs increase shall be reduced proportionately.

(3) The foregoing provisions of this section shall not apply if—

(*a*) the standard rent of the dwelling-house is such as is mentioned in paragraph (*a*) or (*b*) of subsection (1) of section one of the Act of 1949 (which provides for the variation of standard rents fixed by reference to lettings beginning after the first day of September, nineteen hundred and thirty-nine); or

(*b*) the rent for the dwelling-house, or a property comprising the dwelling-house, has at any time been fixed under section one hundred and thirteen of the Housing (Scotland) Act, 1950 (which section requires local authorities to fix rents for dwellings provided or improved with the aid of grants made by such authorities under that Act); or

(*c*) the standard rent of the dwelling-house is a rent determined under section twenty-six of this Act; or

(*d*) the rent for the dwelling-house has at any time been fixed under paragraph (*b*) of subsection (8) of section three of the Housing (Scotland) Act, 1952 (which paragraph empowers local authorities to fix rents for houses in respect of which assistance has been given under the said section three).

(4) Any question arising under the foregoing provisions of this section whether the landlord is responsible for repairs or

PART II —*cont.*

as to the amount of any reduction under the proviso to subsection (2) of this section shall be determined by agreement in writing between the landlord and the tenant or, on the application of either of them, by the sheriff.

Notices of increase.

17.—(1) No sum shall be recoverable by way of repairs increase unless the landlord has served on the tenant or a former tenant of the dwelling-house a notice in the prescribed form of his intention to increase the rent (hereinafter referred to as a " notice of increase "), containing—

(*a*) a declaration that at the date of service of the notice the dwelling-house was not a dwelling-house to which section twenty of this Act applies and that at that date the conditions justifying an increase of rent were fulfilled, and

(*b*) a declaration such as is mentioned in the First Schedule to this Act,

and no such sum shall be recoverable before, or in respect of any period before, such date as may be specified in the notice.

(2) The date specified in a notice of increase shall not be earlier than eight clear weeks after the service of the notice.

(3) Any form prescribed for the purposes of this section may contain such information as appears to the Secretary of State expedient for informing the tenant of the effect of this Act, and in particular of the circumstances in which the repairs increase is recoverable from or may be withheld by the tenant, and of the amount of the increase.

Determination whether conditions fulfilled to justify increase of rent.

18.—(1) On the service of a notice of increase under the last foregoing section or at any subsequent time, the tenant of the dwelling-house to which the notice relates may apply to the local authority for a certificate that either or both of the conditions justifying an increase of rent are not fulfilled; and the local authority if satisfied that the dwelling-house fails to fulfil either or both of the conditions shall certify accordingly in the prescribed form, and shall serve a copy of the certificate on the landlord, and the certificate shall be deemed to have been in force as from the date of the application therefor.

(2) Where the local authority have served a notice under section seven of the Housing (Scotland) Act, 1950, requiring the execution of works on a dwelling-house in respect of which a notice of increase has been served under the last foregoing section, they shall, as soon as the first-mentioned notice becomes operative, certify accordingly in the prescribed form and shall serve a copy of the certificate on the landlord and on the tenant of the dwelling-house; and the certificate shall come into force as from the date of such service on the landlord.

PART II —*cont.*

(3) Where the local authority have granted a certificate under either of the foregoing subsections and have served a copy of the certificate on the landlord, then in respect of any period during which the certificate is in force no sum shall be recoverable by way of repairs increase in respect of the dwelling-house.

(4) Where after the granting of a certificate under subsection (1) or subsection (2) of this section there has been executed by or at the expense of the landlord to the satisfaction of the local authority such work as requires to be executed in order that the dwelling-house shall fulfil both the conditions justifying an increase of rent, the local authority shall on the application of the landlord revoke the certificate. The local authority shall serve on the landlord notice of their decision on any application made by him under this subsection.

(5) If, in proceedings for the recovery of any sum by way of repairs increase in respect of a dwelling-house in respect of which the local authority have refused to grant a certificate under subsection (1) of this section, the tenant satisfies the court that during the period in respect of which the proceedings are brought either or both of the conditions justifying an increase of rent were not fulfilled, then in respect of that period no sum shall be recoverable by way of repairs increase in respect of the dwelling-house.

(6) If the landlord of a dwelling-house is aggrieved by the granting of a certificate under subsection (1) of this section, or by the refusal of the local authority to revoke under subsection (4) thereof a certificate granted under subsection (1) or subsection (2) of this section, he may appeal to the sheriff by giving notice of appeal within twenty-one days after the date of the service on him of the copy of the certificate or of the notice of the decision of the local authority to refuse to revoke the certificate, as the case may be; and if on the hearing of the appeal the sheriff is satisfied that, at the time when the certificate was granted or, as the case may be, the local authority refused to revoke the certificate, the conditions justifying an increase of rent were fulfilled, he shall revoke the certificate and thereupon it shall be deemed—

(*a*) in the case of a certificate granted under subsection (1) of this section, never to have been in force;

(*b*) in the case of a certificate which the local authority have refused to revoke under subsection (4) thereof, to have been revoked on the date on which the local authority refused to revoke it.

(7) On any application under subsection (1) or subsection (4) of this section there shall be paid to the local authority a fee

of one shilling; but where on an application under the said subsection (1) the local authority grant a certificate the applicant shall be entitled to deduct the fee from any subsequent payment of rent to the landlord.

Application of last foregoing section to certain increases under Rent Acts.

19.—(1) The provisions of the last foregoing section shall apply to increases of rent permitted by paragraph (*c*) or (*d*) of subsection (1) of section two of the Act of 1920 (which allow additions of fifteen and twenty-five per cent. respectively of the net rent) and, as so applied, shall have effect in substitution for the provisions of the Rent Acts preventing the recovery of such increases but subject to the modifications that—

(*a*) for the reference to a repairs increase there shall be substituted a reference to any such increase as aforesaid, and

(*b*) for the reference to the service of a notice of increase under section seventeen of this Act there shall be substituted a reference to the service of a notice of increase in accordance with the provisions in that behalf of the Rent Acts.

(2) Notwithstanding the repeals effected by this Act—

(*a*) any certificate of a sanitary authority under the Rent Acts that a dwelling-house is not in a reasonable state of repair shall, if in force immediately before the commencement of this Act, continue in force and have effect as if it were a certificate of the local authority granted under this Part of this Act that the dwelling-house fails to fulfil both the conditions justifying an increase of rent; and

(*b*) any order of the court under the Rent Acts suspending an increase under paragraph (*c*) or paragraph (*d*) of subsection (1) of section two of the Act of 1920 until the court is satisfied that the necessary repairs have been executed shall, if in force immediately before the commencement of this Act, continue in force.

Application of foregoing provisions of Part II of Act to certain classes of dwelling-house.

20.—(1) The foregoing provisions of this Part of this Act and the First Schedule thereto shall, in their application to any dwelling-house to which this section applies, have effect subject to the modifications set out in the Second Schedule to this Act.

(2) A dwelling-house to which this section applies is any such dwelling-house as is hereinafter mentioned, that is to say—

(*a*) any dwelling-house in respect of which there was in force at any time during the period between the thirteenth

PART II —*cont.*

day of November, nineteen hundred and fifty-three, and the commencement of this Act—

(i) a certificate of a sanitary authority under the Rent Acts that the dwelling-house was not in a reasonable state of repair; or

(ii) an order of the court under the Rent Acts suspending an increase under paragraph (*c*) or paragraph (*d*) of subsection (1) of section two of the Act of 1920 until the court is satisfied that the necessary repairs have been executed;

(*b*) any dwelling-house in respect of which a notice under section seven of the Housing (Scotland) Act, 1950, requiring the execution of works on the dwelling-house was operative at any time during the period aforesaid:

(*c*) any dwelling-house being or forming part of premises on which there arose or continued, or which were affected by, a nuisance within the meaning of the Public Health (Scotland) Act, 1897 (being a nuisance arising from any want or defect of a structural character) in respect of which at any time during the period aforesaid intimation under section nineteen of that Act was given to, or a notice under section twenty of that Act was served on, the owner of the dwelling-house, or in respect of which at any time before the commencement of the period aforesaid a notice under the said section twenty was so served and the requirements of such notice were not complied with before the commencement of that period.

Passing on of repairs increase to sub-tenant.

21.—(1) Where—

(*a*) the landlord of a dwelling-house is entitled to recover from the tenant of the dwelling-house in respect of any period any sum by way of repairs increase or under the following provisions of this section, and

(*b*) the tenant had or will have during that period a sub-tenant of premises (hereinafter referred to as "the sub-tenant's dwelling-house") being or comprised in the dwelling-house mentioned in paragraph (*a*) of this subsection, and the sub-tenant is either sub-tenant under a controlled tenancy or a statutory tenant,

the rent recoverable from the sub-tenant in respect of that period shall be increased by virtue of this section so as to exceed by the amount set out in the next following subsection the rent which apart from this section would be recoverable from the sub-tenant under the terms of his tenancy or statutory tenancy and having regard to the provisions of any enactment.

PART II —*cont.*

(2) The said amount is—

(*a*) where the sub-tenant's dwelling-house is the whole of the dwelling-house mentioned in paragraph (*a*) of the last foregoing subsection, an amount equal to the sum mentioned in the said paragraph (*a*);

(*b*) where the sub-tenant's dwelling-house is part only of the dwelling-house mentioned in the said paragraph (*a*), an amount equal to the just proportion of the said sum;

and for the purposes of this subsection the just proportion of any sum shall be determined by agreement in writing between the tenant and the sub-tenant or, on the application of either of them, by the sheriff.

(3) The foregoing provisions of this section shall be without prejudice to any right of the tenant to recover from the sub-tenant any sum by way of repairs increase under section sixteen of this Act; but any sum recoverable from the sub-tenant under this section shall be limited so as to secure that the amount thereof, together with the amount of any sum recoverable from the sub-tenant by way of repairs increase under section sixteen of this Act, shall not exceed an amount equal to two-fifths of the rent which was recoverable in respect of the sub-tenant's dwelling-house immediately before the commencement of this Act.

(4) Section eighteen of this Act shall with the necessary modifications apply to sums recoverable under this section as it applies to sums recoverable by way of repairs increase.

(5) Where, at the time at which a notice of increase was served on the tenant under subsection (1) of section seventeen of this Act, the tenant had a sub-tenant of the sub-tenant's dwelling-house, no sum shall be recoverable from the sub-tenant under this section unless the tenant has served on the sub-tenant or a former sub-tenant of that dwelling-house a notice in the prescribed form of the tenant's intention to increase the rent; and subsection (3) of the said section seventeen shall apply to the form of any such notice.

(6) Any notice under the last foregoing subsection shall specify a date, not earlier than four clear weeks after the service of the notice, and not earlier than the beginning of the earliest period in respect of which the repairs increase is recoverable from the tenant, as the date on which the increase under this section is to begin; and no sum shall be recoverable on account of the increase under this section before, or in respect of any period before, that date.

PART II —*cont.*

Repairs increase not to be payable twice over.

22. Where apart from this section a tenant would by virtue of any agreement (however expressed) affecting a controlled tenancy be under an obligation to pay any increase of rent in consequence of the foregoing provisions of this Part of this Act, then without prejudice to the recovery from him of any increase under this Part of this Act he shall be relieved from that obligation.

Responsibility of landlord for repairs.

23.—(1) For the purposes of this Part of this Act and the First Schedule thereto and of paragraph (*d*) of subsection (1) of section two of the Act of 1920 the landlord shall be deemed, as between himself and the tenant, to be wholly responsible for the repair of a dwelling-house in any case where the tenant is under no express liability to carry out any repairs

(2) Subject to the provisions of the foregoing subsection,—

(*a*) the landlord shall be deemed for the purposes aforesaid to be responsible, as between himself and the tenant, for any repairs which he is under an express liability to carry out, and for any other repairs (whether of the dwelling-house or of other premises) from time to time required for securing that the dwelling-house is in good and tenantable repair, not being repairs which the tenant is under an express liability to carry out; and

(*b*) the tenant shall be deemed for those purposes to be responsible, as between himself and the landlord, for any repairs which he is under an express liability to carry out but for no other repairs;

and the extent to which the landlord is to be deemed responsible as aforesaid for the repair of the dwelling-house shall be determined by comparing the burden of the responsibility specified in paragraph (*a*) of this subsection with that of the responsibility specified in paragraph (*b*) thereof.

Supplementary provisions as to repair.

24.—(1) For the purposes of this Part of this Act there shall be disregarded, in determining whether a dwelling-house is in good and tenantable repair, any defect due to any act, neglect or default by the tenant or any person claiming under him or to any breach by the tenant or such a person of an express agreement:

Provided that this subsection shall not have effect in determining under subsection (1) or (4) of section eighteen of this Act whether a certificate should be granted or revoked.

(2) Subject to the foregoing subsection, for the purposes aforesaid a dwelling-house which is a part only of a building shall not be treated as in good and tenantable repair unless every part of the building which a tenant of the dwelling-house requires to use in connection with his occupation of the dwelling-house is also in good and tenantable repair.

Other amendments of Rent Acts

PART II —*cont.*

Exclusion from Rent Acts of lettings by local authorities, development corporations, housing associations, etc.

25.—(1) A tenancy where—

(*a*) the interest of the landlord belongs to a local authority, joint board or joint committee as respectively defined by the Local Government (Scotland) Act, 1947, or to the common good of a burgh or to any trust under the control of a local authority as so defined, or

(*b*) the said interest belongs to a development corporation established under the New Towns Act, 1946, or

(*c*) the said interest belongs to any housing association and the condition specified in the next following subsection is fulfilled, or

(*d*) the said interest belongs to the Scottish Special Housing Association, or any housing trust which was in existence on the thirteenth day of November, nineteen hundred and fifty-three, or any authorised society within the meaning of the Housing Act, 1914, or

(*e*) the said interest belongs to an executive council constituted under section thirty-two of the National Health Service (Scotland) Act, 1947,

shall not be a controlled tenancy, and shall not for the purposes of subsection (3) of section fifteen of the Act of 1920 (which subsection provides that where the interest of a tenant of a dwelling-house to which that Act applies is determined for any reason a sub-tenant to whom the premises or any part thereof have been lawfully sub-let shall be deemed to become the tenant of the landlord) be deemed to be the interest of the tenant of a dwelling-house to which the Act of 1920 applies:

Provided that where the tenancy was a controlled tenancy immediately before the commencement of this Act, and the interest of the landlord then belonged to such a body as aforesaid, the foregoing provisions of this subsection shall not have effect as respects that tenancy before the expiration of six months from the commencement of this Act.

(2) The condition mentioned in paragraph (*c*) of the foregoing subsection is that either—

(*a*) the premises comprised in the tenancy were provided by the housing association in pursuance of an arrangement made under section eighty or one hundred and twenty-one of the Housing (Scotland) Act, 1950, or with the assistance of a local authority under section two of the Housing &c., Act, 1923 ; or

(*b*) the housing association is registered under the Industrial and Provident Societies Act, 1893, and the provision of the premises comprised in the tenancy forms

PART II —*cont.*

part of the purposes for which its business is mainly conducted and those premises were provided by the housing association before the commencement of this Act.

(3) Without prejudice to the provisions of subsection (1) of this section, after the expiration of six months from the commencement of this Act a person shall not by virtue of the Rent Acts be entitled to retain possession as a statutory tenant against any such body as aforesaid other than a housing association or, if the condition specified in the last foregoing subsection is fulfilled, against any such body as aforesaid being a housing association.

(4) Section sixteen of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951 (which confers on a service man during his period of service with the armed forces security of tenure in respect of a rented family residence in respect of which he would otherwise have no statutory protection) shall have effect with the substitution for paragraph (*b*) of subsection (2) thereof of the following paragraph:—

"(*b*) that the interest of the immediate landlord of the tenant under the tenancy qualifying for protection belongs to any such body as is mentioned in subsection (1) of section twenty-five of the Housing (Repairs and Rents) (Scotland) Act, 1954, and, where it belongs to any such body being a housing association, that the condition specified in subsection (2) of that section is fulfilled."

(5) Where, at a time when the application of the Act of 1920 to a tenancy of any premises is excluded by reason only of subsection (1) of this section, a sub-tenancy is created of those premises or any part thereof, then in ascertaining, in relation to the sub-tenancy, what rent is recoverable from the sub-tenant, the Rent Acts and the Act of 1949 shall apply as if the tenancy were a controlled tenancy and neither the premises nor any part thereof had ever been let before the beginning of the tenancy.

(6) Paragraph (*c*) of subsection (2) of section three of the Act of 1939 (which excludes from the Rent Acts certain dwelling-houses belonging to local authorities) shall cease to have effect; and

(*a*) where any order or judgment has been made or given by a court before the commencement of this Act, but has not been executed, and in the opinion of the court the order or judgment would not have been made or given if this section had been in operation at the time when the order or judgment was made or given, the court

PART II —*cont.*

may upon application by the tenant rescind or vary the order or judgment in such manner as the court thinks fit for the purposes of giving effect to this section;

(*b*) in relation to a tenancy not falling within subsection (1) of this section, being a tenancy to which the Act of 1920 applies as from the commencement of this Act by virtue of the repeal of the said paragraph (*c*), the Rent Acts shall apply subject to the modifications set out in the Third Schedule to this Act.

(7) Where it appears to the Secretary of State that the terms of any arrangements entered into before the commencement of this Act under section eighty or section one hundred and twenty-one of the Housing (Scotland) Act, 1950, should be varied in consequence of the foregoing provisions of this section, the Secretary of State may approve any variation of those terms agreed between the local authority and housing association who are parties to the arrangements or, if no agreement has been reached between the parties at the expiration of three months after the commencement of this Act, may on the application of either party determine that the arrangements shall have effect subject to such variation as he may specify.

(8) The provisions of section one hundred and seventy-eight of the Housing (Scotland) Act, 1950 (which relates to the valuation and rating of certain houses provided by the Scottish Special Housing Association or owned by housing associations) shall have effect in relation to any premises which are the subject of a tenancy which is excluded from the operation of the Rent Acts by this section in like manner as they have effect in relation to the houses mentioned in the said section one hundred and seventy-eight:

Provided that the foregoing provisions of this subsection shall not have effect in relation to any house in relation to which the provisions of subsection (6) of section seventy-three of the said Act of 1950 have effect.

Provisions taking effect on cesser of exemption from Rent Acts.

26.—(1) The following provisions of this section shall apply to cases where—

(*a*) by virtue of the provisions of subsection (1) of the last foregoing section the operation of the Rent Acts is excluded as respects a tenancy of any premises as respects which the interest of the immediate landlord of the tenant under the tenancy belongs to an exempted authority; and

(*b*) that interest ceases to belong to an exempted authority; and

PART II —*cont.*

(*c*) at the time when it ceases to belong to such an authority there is no controlled tenancy or statutory tenancy subsisting in the whole of the premises.

(2) If an application is made to the local authority (whether before or after the interest ceases to belong to an exempted authority) to fix a standard rent for the said premises,—

(*a*) the local authority shall determine what rent is reasonable for the premises on a letting thereof on such terms and conditions, if any, other than terms and conditions fixing the amount of rent, as may be specified in the application; and

(*b*) as from the date of the application or the date on which the said interest ceases to belong to an exempted authority, whichever is the later, the Rent Acts shall apply to the premises as if the standard rent thereof had been fixed by a letting from the date of the application at the rent so determined and on any terms or conditions specified as aforesaid, but on no other terms or conditions.

(3) An application under this section may be made by any person having an interest in the premises to which the application relates or any part of those premises, or any person who satisfies the local authority that he proposes to acquire such an interest:

Provided that where an application under this section is made by a person who has not acquired such an interest at the time of the application, then, notwithstanding anything in paragraph (*b*) of the last foregoing subsection, any determination of the local authority made on the application shall not have effect unless and until the said person acquires such an interest.

(4) As from the time at which the interest mentioned in subsection (1) of this section ceases to belong to an exempted authority, the Rent Acts shall, subject to the foregoing provisions of this section, have effect in relation to the premises as they have effect in relation to a dwelling-house to which they were applied by the Act of 1939.

(5) Nothing in paragraph (*b*) of subsection (2) of this section, or in the last foregoing subsection, shall affect any sub-tenancy of a part of the premises which was subsisting before the said interest ceased to belong to an exempted authority, or any statutory tenancy arising on the coming to an end of any such sub-tenancy.

(6) In this section the expression "exempted authority" means any such body as is mentioned in subsection (1) of the last foregoing section.

PART II —*cont.*

Exclusion from Rent Acts of dwelling-houses converted or erected after commencement of Act.

27.—(1) The Act of 1920 shall not apply to a dwelling-house which consists, and consists only, of premises falling within either of the following paragraphs, that is to say—

(*a*) separate and self-contained premises produced by conversion, after the commencement of this Act, of other premises, with or without the addition of premises erected after the commencement of this Act;

(*b*) premises erected after the commencement of this Act.

(2) For the purposes of this section premises shall be treated as converted or erected after the commencement of this Act if the conversion or erection was completed thereafter, notwithstanding that it may have been begun before the commencement of this Act.

(3) Section sixteen of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, shall have effect with the addition, after paragraph (*b*) of subsection (2) thereof, of the following paragraph:—

" (*bb*) that those premises are excluded from the operation of the Rent Act of 1920 by section twenty-seven of the Housing (Repairs and Rents) (Scotland) Act, 1954."

Amendment of s. 1 of Act of 1949.

28.—(1) In section one of the Act of 1949 (which empowers the tribunal to determine the reasonable rent of a dwelling-house on the application of the landlord or the tenant, and provides that if the reasonable rent, or the reasonable rent less permitted increases, is less than the standard rent it shall become the standard rent) for the words " is less than " in subsection (2) and in subsection (3) there shall be substituted the words " differs from ".

(2) The foregoing subsection shall apply in relation to a determination whether it was made before or after the commencement of this Act:

Provided that notwithstanding anything in subsections (2) and (3) of the said section one—

(*a*) an increase of standard rent effected by a determination made before the commencement of this Act shall not come into operation until a date specified in a notice in the prescribed form served by the landlord on the tenant, and

(*b*) that date shall not be earlier than four clear weeks after the service of the notice.

(3) Without prejudice to the provisions of section four of the Act of 1949 (which among other things provides for the variation of apportionments made before the making of a determination under section one of that Act) where a determination made as

PART II —*cont.*

respects any dwelling-house before the commencement of this Act has effect by virtue of the foregoing provisions of this section, any apportionment which is necessary for determining the standard rent of a dwelling-house comprised in the first-mentioned dwelling-house, being an apportionment made before the coming into operation of the increase of rent effected by the determination, may be varied so as to accord with the determination:

Provided that nothing in this subsection shall affect rent in respect of any period before the said increase comes into operation.

(4) Paragraph (*a*) of subsection (7) of section one of the Act of 1949 (which excludes from the jurisdiction of the tribunal under that section cases where the dwelling-house is under management of a housing association or development corporation) shall cease to have effect.

(5) It is hereby declared that section one of the Act of 1949 (which provides for the variation of certain standard rents) does not apply to a standard rent fixed under section twenty-six of this Act.

Power to charge premium on assignation of rent-controlled tenancy where premium lawfully charged on earlier assignation.

29.—(1) Where before the commencement of the Act of 1949 a premium has been paid on the assignation of a tenancy, then subject as hereinafter provided subsection (2) of section two of that Act shall not prevent the requiring on an assignation of that tenancy after the commencement of this Act of a premium not exceeding the amount hereinafter specified.

(2) The said amount is an amount which bears to the premium paid on the earlier assignation the same proportion as the period of the tenancy still to run at the time of the later assignation bears to the period of the tenancy still to run at the time of the earlier assignation, it being assumed that no power to determine the tenancy not yet exercised will be exercised either by the landlord or the tenant.

(3) Where before the commencement of the Act of 1949 a premium has been paid on more than one occasion on the assignation of the same tenancy, any of those assignations except the last shall be disregarded for the purposes of this section.

(4) In so far as any premium paid on the assignation of a tenancy before the commencement of the Act of 1949 has been recovered under the provisions of subsection (5) of section two of that Act (which provides for the recovery of the whole or part of premiums paid under agreements made after the twenty-fifth day of March, nineteen hundred and forty-nine), the premium shall be treated for the purposes of the foregoing provisions of this section as not having been paid.

(5) Where apart from this subsection the requirement of a premium would be allowable both under the foregoing provisions of this section and under Part II of the First Schedule

PART II —*cont.*

to the Act of 1949 (which permits the requiring of a premium on assignation where a premium has been paid on the grant, continuance or renewal of a tenancy), the foregoing provisions of this section shall have effect to the exclusion of the said Part II.

Payments for outgoings, improvements or goodwill on grant or assignation of tenancies.

30.—(1) Where a premium was paid on the grant, continuance, renewal or assignation of a tenancy, then—

(*a*) if the premium consisted only of any such outgoings, sum or amount as are specified in subsection (4) of section two of the Act of 1949 (which allows an assignor to charge an assignee the outgoings properly payable by the assignee, the cost of reasonable expenditure on alterations and improvements, or a reasonable amount for goodwill), it shall be treated for the purposes of Part II of the First Schedule to the Act of 1949 or of the last foregoing section as not having been paid;

(*b*) if the premium included any such outgoings, sum or amount as aforesaid, it shall be treated for the said purposes as if only the residue thereof had been paid.

(2) A person shall not be guilty of an offence under section two of the Act of 1949 by reason only of the foregoing provisions of this section, or by reason only that—

(*a*) any payment of outgoings required by him on an assignation was a payment of outgoings referable to a period before the assignation took effect, or

(*b*) any expenditure incurred by him in carrying out structural alterations of a dwelling-house, or in providing or improving fixtures therein, being expenditure in respect of which he required the payment of any sum on the assignation of a tenancy of the dwelling-house, was not reasonably incurred, or

(*c*) any amount paid by him as mentioned in paragraph (*c*) of subsection (4) of section two of the Act of 1949 was not a reasonable amount, or

(*d*) any amount required by him to be paid on an assignation in respect of goodwill was not a reasonable amount,

but nothing in this subsection shall prejudice any right of recovery under subsection (5) of the said section two.

Increase for rise in cost of services provided under pre-1939 lettings.

31.—(1) The following provisions of this section shall have effect where a dwelling-house is let under a controlled tenancy or is occupied by a statutory tenant, and

(*a*) the standard rent of the dwelling-house is the rent at which it was let at a letting beginning on or before the first day of September, nineteen hundred and thirty-nine, or an amount ascertainable by apportionment of

PART II —*cont.*

a rent at which a property comprising the dwelling-house was let on such a letting as aforesaid (whether such an apportionment has been made or not), and

(*b*) services for the tenant are under the terms and conditions of the letting to be provided, or are provided, by the landlord.

(2) If—

(*a*) by an agreement in writing relating to the services mentioned in paragraph (*b*) of the foregoing subsection and made after the commencement of this Act between the landlord and the tenant or a former tenant of the dwelling-house it has been agreed that the landlord shall be entitled to an increase of rent, of an amount specified in the agreement, in respect of any rise, over the period beginning with the third day of September, nineteen hundred and thirty-nine, and ending with the commencement of this Act, in the cost of the provision of the services, or

(*b*) on an application by the landlord the tribunal constituted under the Act of 1943 for the area in which the dwelling-house is situated has at any time after the commencement of this Act determined as respects the said services that in all the circumstances it is just that the landlord should be entitled to an increase of rent, of an amount specified in the determination, in respect of any such rise as aforesaid,

the landlord shall be entitled to recover the amount of the increase agreed or determined as aforesaid notwithstanding anything in the terms of the tenancy or statutory tenancy or any enactment, subject, however, to the provisions of the next following subsection.

(3) Where any such agreement or determination as is mentioned in the last foregoing subsection has been made in respect of services which the landlord is not under the terms and conditions of the letting liable to provide, any withholding or restoration of those services (whether in whole or in part) shall be treated for the purposes of subsection (3) of section two of the Act of 1920 (which relates to the effect on recoverable rent of the transfer of burdens and liabilities between landlord and tenant) as a transfer from the landlord or the tenant, as the case may be, of a burden previously borne by him.

(4) Any increase under this section recoverable by virtue of an agreement shall run from such date as may be specified in the agreement; and any increase thereunder recoverable by virtue of a determination of the tribunal shall run from the date of the determination.

PART II —*cont.*

(5) Before determining any application under paragraph (*b*) of subsection (2) of this section the tribunal shall make such inquiries (if any) as they think fit and shall give the landlord and the tenant an opportunity of being heard or, at the option of the party, of submitting representations in writing.

Modification of s. 15 (3) of Act of 1920.

32.—(1) For the purposes of subsection (3) of section fifteen of the Act of 1920 (which subsection provides that, where the interest of a tenant of a dwelling-house to which that Act applies is determined for any reason, a sub-tenant to whom the premises or any part thereof have been lawfully sub-let shall be deemed to become the tenant of the landlord) the interest of a tenant under a tenancy shall, notwithstanding the provisions of subsection (7) of section twelve of that Act, not be disregarded by reason only that the rent payable in respect of the tenancy is one falling within the said subsection (7).

(2) The foregoing subsection shall not prejudice paragraph (*d*) of the First Schedule to the Act of 1933 (which gives the court power in certain cases to make an order for possession where the tenant has sub-let the dwelling-house).

Amendment of meaning of expression "tenant" in Act of 1920.

33.—(1) The rights conferred on a member of a deceased tenant's family by, and in the circumstances stated in, paragraph (*g*) of subsection (1) of section twelve of the Act of 1920 shall extend to such a member, if the tenant left a widow not residing with him at the time of his death.

(2) In accordance with the last foregoing subsection, the said paragraph (*g*) (which declares the expression "tenant" to include in certain circumstances the widow of a tenant or a member of the tenant's family) shall be amended by inserting after the word "no" the word "such".

Service of notice on prospective tenants.

34.—(1) Any notice of increase for the purposes of this Part of this Act which apart from this section would be required to be served on a tenant of any premises may be served on a prospective tenant of the premises, and references in this Part of this Act and the First Schedule thereto to the landlord or the tenant shall be construed accordingly:

Provided that if the prospective tenant does not become tenant of the premises the notice shall have no effect.

(2) Subsection (2) of section seventeen of this Act and paragraph (*b*) of the proviso to subsection (2) of section twenty-eight thereof shall not have effect in the case of notices served by virtue of this section.

(3) The power conferred by this Part of this Act to prescribe the form of notices shall include power to prescribe different forms according as a notice is to be served on a tenant or a prospective tenant.

PART II —*cont.*

Provisions as to valuation and rating

Repairs increase, etc., not to be taken into account for valuation and rating.

35.—(1) In the financial year first commencing after the passing of this Act and in every subsequent year, the net annual value and the rateable value of—

(*a*) any dwelling-house in respect of which a repairs increase is recoverable under the foregoing provisions of this Part of this Act; or

(*b*) any house on which a local authority have, in the exercise of powers conferred on them by Part I of this Act, carried out works for rendering or keeping it capable of being continued in use as housing accommodation;

shall be the gross annual value thereof after the deduction of such part of the rent thereof as is specified in the following provisions of this section.

(2) In the case of such a dwelling-house as is mentioned in paragraph (*a*) of the foregoing subsection there shall be deducted such part of the rent thereof as is equal to the amount of the repairs increase.

(3) In the case of such a house as is mentioned in paragraph (*b*) of the said subsection there shall be deducted such part of the rent thereof as is equal to—

(*a*) the difference between the rent for the time being fixed for the house under Part V of the Housing (Scotland) Act, 1950, and the rent which was recoverable in respect of the dwelling-house immediately before the commencement of this Act, or

(*b*) two-fifths of the last mentioned rent;

whichever is the less.

(4) Notwithstanding the provisions of subsection (1) of section two of the Water (Scotland) Act, 1949, the domestic water rate shall be levied in the case of lands and heritages being such a dwelling-house or house as is mentioned in subsection (1) of this section according to the rateable value of such lands and heritages.

(5) Nothing in this section shall affect the enactments relating to income tax.

(6) For the ascertainment of any particulars required by this or the next following section of this Act, section seven of the Lands Valuation (Scotland) Act, 1854 (which empowers the assessor to call for a written statement of certain particulars and

imposes a penalty for failure to furnish such a statement), shall apply as it applies for the ascertainment of the particulars required by that Act.

Limitation of owners' rates on houses subject to repairs increase.

36.—(1) In the financial year first commencing after the passing of this Act and in every subsequent year the owner of any dwelling-house to which this section applies shall be relieved of liability to pay by way of the owners' share of the county or burgh rate in respect of such dwelling-house any sum in excess of that which would be produced by a rate levied according to the rateable value of the dwelling-house for that year at the same amount in the pound as the amount in the pound of the owners' share of the county or burgh rate for the financial year ending on the fifteenth day of May, nineteen hundred and fifty-four, or in the case of a local authority with respect to which special provision is made in a local Act, for the corresponding financial year:

Provided that where the owner of any such dwelling-house was in that year entitled to partial exemption from the owners' share of the county or burgh rate in respect of that dwelling-house then, so long as such right to exemption continues, the reference in the foregoing provisions to the amount in the pound of the owners' share of the county or burgh rate for that year shall be construed as a reference to the amount in the pound at which the owners' share of the county or burgh rate was actually levied in respect of that dwelling-house in that year.

(2) The difference in any year between the sum receivable by a rating authority by way of the owners' share of the county or burgh rate in respect of dwelling-houses to which this section applies and the sum which would have been so receivable if this section had not been passed shall be met by levying as part of the county or burgh rate on the occupiers of lands and heritages and on the owners of lands and heritages other than dwelling-houses to which this section applies an additional rate at such uniform amount per pound of rateable valuation as is necessary to produce a sum equal to the difference.

(3) This section applies to any dwelling-house in respect of of which a repairs increase is recoverable under the foregoing provisions of this Part of this Act.

(4) The valuation roll shall show by distinguishing mark in such manner as may be prescribed what lands and heritages are such dwelling-houses as are referred to in the last foregoing subsection.

(5) Any question whether a dwelling-house is such a dwelling-house as aforesaid shall failing agreement be determined by the sheriff on the application of the owner, the tenant, the assessor under the Valuation Acts or the rating authority.

PART II —*cont.*

Supplemental

Service by post.

37. Any notice for the purposes of this Part of this Act, and any copy of a certificate of the local authority under section eighteen thereof, may be served by registered post.

Procedure of tribunals.

38. The power of the Secretary of State under section six of the Act of 1943 to make regulations with regard to proceedings before tribunals under that Act shall include power to make regulations with regard to such proceedings under this Act.

Interpretation of Part II.

39.—(1) In this Part of this Act (including the First, Second and Third Schedules thereto) the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"Act of 1920" means the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920;

"Act of 1933" means the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933;

"Act of 1939" means the Rent and Mortgage Interest Restrictions Act, 1939;

"Act of 1943" means the Rent of Furnished Houses Control (Scotland) Act, 1943;

"Act of 1949" means the Landlord and Tenant (Rent Control) Act, 1949;

"controlled tenancy" means a tenancy to which the Act of 1920 applies;

"dwelling-house" means the whole subjects comprised in a controlled tenancy or prospective controlled tenancy, or the whole subjects of which a tenant retains possession as statutory tenant;

"housing association" has the like meaning as in the Housing (Scotland) Act, 1950;

"housing trust" means a corporation or body of persons which by the terms of its constituent instrument is required to devote the whole of its funds, including any surplus which may arise from its operations, to the provision of houses and to other purposes incidental thereto;

"landlord", "tenant" and "tenancy" have the like meanings respectively as in the Act of 1920;

"local authority", in relation to a dwelling-house, means the council of the county or burgh in which the dwelling-house is situated;

"premium" includes any fine or like sum or any other pecuniary consideration in addition to rent;

"prescribed" means prescribed by regulations made by the Secretary of State, and "prescribe" shall be construed accordingly;

" rating authority " has the like meaning as in Part XI of the Local Government (Scotland) Act, 1947;

" the Rent Acts " means the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939;

" repair " includes maintenance, but does not include improvement or structural alteration or the provision of additional or improved fixtures or fittings, and " repairs " shall be construed accordingly;

" repairs increase " has the meaning assigned to it by subsection (2) of section sixteen of this Act;

" services " includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a dwelling-house;

" statutory tenant " means a tenant (as defined in paragraph (*g*) of subsection (1) of section twelve of the Act of 1920) who retains possession by virtue of the Rent Acts and not as being entitled to a tenancy, and " statutory tenancy " shall be construed accordingly;

" tenant ", in relation to a landlord, and " sub-tenant ", in relation to a tenant, mean respectively immediate tenant and immediate sub-tenant;

" Valuation Acts " means the Lands Valuation (Scotland) Act, 1854, and the Acts amending that Act.

(2) Subsection (2) of section one hundred and eighty-four of the Housing (Scotland) Act, 1950, shall have effect in determining for the purposes of this Part of this Act whether a dwelling-house is fit for human habitation as it has effect in determining for the purposes of the said Act of 1950 whether a house is fit for human habitation.

(3) Any reference in this Part of this Act, including the First Schedule thereto, to the rent which was recoverable in respect of a dwelling-house immediately before the commencement of this Act shall be construed as a reference to the rent which would at that time have been recoverable (it being assumed that all works necessary to secure that the dwelling-house should be in all respects reasonably fit for human habitation and otherwise in a reasonable state of repair had been carried out) from a tenant of the dwelling-house under the terms of a tenancy or statutory tenancy thereof and having regard to the provisions of any enactment, less—

(*a*) in any case where the rates which, but for the provisions of any Act, would be chargeable on the tenant were paid by the landlord, the amount of such rates; and

PART II —*cont.*

(*b*) in any case where the rent included a payment in respect of the provision of services or the use of furniture, so much of the rent as is fairly attributable to the provision of the services or the use of the furniture.

Any question arising under this subsection shall be determined by agreement in writing between the parties concerned or, on the application of either of them, by the sheriff.

In this subsection "rates" means assessments as defined in the House Letting and Rating (Scotland) Acts, 1911 and 1920.

(4) Any reference in this Part of this Act to a provision of the Housing (Scotland) Act, 1950, shall include a reference to the corresponding provision of any enactment repealed by that Act.

PART III

GENERAL PROVISIONS

Regulations and orders.

40. Any power of the Secretary of State to make regulations or orders under this Act shall be exercisable by statutory instrument.

Provisions as to applications and appeals to sheriff.

41.—(1) An application to the sheriff under subsection (1) of section seven, subsection (4) of section sixteen, subsection (2) of section twenty-one, subsection (5) of section thirty-six, or subsection (3) of section thirty-nine of, or the First Schedule to, this Act shall be conducted and disposed of in like manner as proceedings brought under the Small Debt (Scotland) Acts, 1837 to 1889, and the determination of the sheriff on any such application shall be final and conclusive.

(2) The provisions of subsections (1), (2) and (5) of section one hundred and sixty-six of the Housing (Scotland) Act, 1950, shall apply to any appeal to the sheriff under subsection (6) of section eighteen of this Act as they apply to appeals to the sheriff under that Act.

Interpretation.

42. Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by any subsequent enactment including any local enactment and including, unless the context otherwise requires, this Act.

Financial provisions.

43. There shall be defrayed out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of such moneys under subsection (3) of section one of the Rent of Furnished Houses Control (Scotland) Act, 1943, or section one hundred and sixteen or section one hundred and seventy of the Housing (Scotland) Act, 1950.

PART III —*cont.*

Short title, commencement, repeals and extent.

44.—(1) This Act may be cited as the Housing (Repairs and Rents) (Scotland) Act, 1954.

(2) This Act shall come into operation on the expiration of the period of one month beginning with the date on which it is passed.

(3) The enactments and regulations mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that this subsection shall have effect subject to subsection (6) of section six of this Act, and to subsection (2) of section nineteen thereof.

(4) This Act shall extend to Scotland only.

SCHEDULES

FIRST SCHEDULE

Sections 16, 17.

PROOF OF PAST REPAIRS BY LANDLORD

1. Subject to the provisions of the next following paragraph, the declaration mentioned in paragraph (*b*) of subsection (1) of section seventeen of this Act is a declaration in the prescribed form that during the period of twelve months ending with the date of service of the notice of increase containing the declaration (which date is hereinafter referred to as " the relevant date "), work (the nature of which shall be specified in general terms in the declaration) has been carried out on the dwelling-house to a value of not less than three-fifths of the rent which was recoverable in respect of the dwelling-house immediately before the commencement of this Act.

2. Where the relevant date falls within six months of the commencement of this Act, the notice of increase may in lieu of such a declaration as is specified in the foregoing paragraph contain a declaration in the prescribed form that during such continuous period of three years as may be specified in the declaration, being a period falling within the four years ending with the relevant date, work (the nature of which shall be specified in general terms in the declaration) has been carried out on the dwelling-house to a value of not less than six-fifths of the rent which was recoverable as aforesaid.

3. Where—

(*a*) under the terms of the tenancy, if the dwelling-house was let at the relevant date, or,

(*b*) under the terms of the last subsisting tenancy, if the dwelling-house had been let before the relevant date but was not let at that date,

the landlord is or was responsible in part only for the repair of the dwelling-house, the two foregoing paragraphs shall have effect respectively with the substitution for the values therein mentioned of those values proportionately reduced.

1ST SCH. —*cont.*

4.—(1) Within twenty-eight days after the relevant date the tenant may apply to the sheriff to determine whether work has been carried out on the dwelling-house during the period specified in the declaration to a value not less than that so specified and whether that value is at least the value required by the foregoing provisions of this Schedule; and if on such an application the sheriff is not satisfied that work has been carried out as aforesaid and that the value specified in the declaration is at least the value required as aforesaid, he shall certify accordingly and thereupon the notice of increase shall be, and be deemed always to have been, of no effect.

(2) Where, on such an application as aforesaid, it is necessary for the sheriff to determine the extent to which the landlord is or was responsible for the repair of the dwelling-house,—

(*a*) section forty-one of this Act shall apply to that determination, and

(*b*) notwithstanding anything in subsection (4) of section sixteen of this Act, the determination shall have effect (so far as relevant) for the purposes of that section.

5. Subject to the provisions of the last foregoing paragraph, the service of a notice of increase containing such a declaration as is required by this Schedule shall be treated for the purposes of subsection (1) of section sixteen of this Act as the production of satisfactory evidence that work has been carried out as mentioned in paragraph (*b*) of that subsection; and subject as aforesaid the validity of a declaration shall not be questioned on the ground that the value of the work stated in the declaration to have been carried out on the dwelling-house is less than that required by the foregoing provisions of this Schedule.

6. If in such a declaration as is required by this Schedule any person makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, he shall be liable on summary conviction to a fine not exceeding thirty pounds.

7.—(1) For the purposes of this Schedule work which enured solely for the benefit of the dwelling-house shall be treated as having been carried out on the dwelling-house notwithstanding that the site of the work was not comprised in the dwelling-house.

(2) Subject to the provisions of the next following sub-paragraph work which enured for the benefit of the dwelling-house and also of other premises shall, whether the work was carried out on a site comprised in the dwelling-house or elsewhere, be treated for the purposes of this Schedule as having been carried out on the dwelling-house to a value equal to such proportion of the value of the work as ought to be apportioned to the dwelling-house.

(3) Where two or more dwelling-houses are contained in one building and work has during any period been carried out on all or any of the dwelling-houses in the building or on the building or so as to enure for the benefit of all or any of the dwelling-houses in the building, work shall be treated for the purposes of this Schedule as having been carried out during that period on any one of those dwelling-houses to a value bearing the like proportion to so much

1ST SCH. —*cont.*

of the cost of that work as was borne by the landlord of that dwelling-house as the floor area or rateable value of that dwelling-house bears to the total floor areas or rateable values of all the dwelling-houses contained as aforesaid of which that landlord is the landlord.

For the purpose of this sub-paragraph—

(*a*) where a building contains premises other than a dwelling-house as well as one or more dwelling-houses, those premises shall be treated as if they were a dwelling-house ;

(*b*) where a building contains premises other than a dwelling-house which are occupied otherwise than by a tenant thereof, the owner of the premises shall be treated as if he were the landlord thereof ;

(*c*) the floor area of a dwelling-house shall be ascertained in such manner as the Secretary of State shall prescribe, and the regulations may provide for the exclusion from computation, or for bringing into computation at a reduced figure, of floor space in any part of a dwelling-house which is of less than a specified height.

8. The landlord, or any person authorised by him in writing, shall be entitled at reasonable times of the day, on giving twenty-four hours' notice in writing to the occupier of his intention, to enter any dwelling-house for the purpose of ascertaining the floor area thereof for the purposes of sub-paragraph (3) of the last foregoing paragraph.

9. For the purposes of this Schedule work shall be disregarded—

(*a*) if or in so far as it was carried out by and at the cost of the tenant or any predecessor in title of his, or by and at the cost of any person claiming under the tenant or any predecessor in title of his ;

(*b*) if or in so far as the cost thereof has been or will be reimbursed under Part I of the War Damage Act, 1943.

10. In this Schedule the expression " work " means work required for securing that premises used for human habitation are in good and tenantable repair and are not in any other respect unfit for human habitation.

SECOND SCHEDULE

Section 20.

MODIFICATIONS OF PART II OF ACT IN APPLICATION TO CERTAIN CLASSES OF DWELLING-HOUSE

1. For the purposes of subsection (1) of section sixteen of this Act, the conditions justifying an increase of rent shall be deemed not to be fulfilled in respect of the dwelling-house unless the local authority, on the application of the landlord and on being satisfied that the dwelling-house fulfils both the conditions justifying an increase of rent, have certified accordingly in the prescribed form ; and where a

2ND SCH. —*cont.*

certificate has been granted under this paragraph in respect of a dwelling-house, any such certificate of a sanitary authority and any such order of a court as is referred to in paragraph (*a*) of subsection (2) of section twenty of this Act and any certificate granted under paragraph 2 of this Schedule which is then in force in relation to the dwelling-house shall cease to have effect.

2. Where the local authority have refused to grant, on the application of the landlord, a certificate under paragraph 1 of this Schedule they shall forthwith certify accordingly in the prescribed form and shall serve a copy of the certificate on the landlord and on the tenant of the dwelling-house; and the certificate shall come into force as from the date of such service on the landlord and shall have effect for the purposes of Part II of this Act as if it were a certificate granted by the local authority under subsection (1) of section eighteen of this Act.

3. In subsection (1) of section seventeen of this Act (which requires that a notice of increase shall contain certain declarations) for paragraphs (*a*) and (*b*) there shall be substituted the following paragraphs—

"(*a*) a declaration that at the date of service of the notice there is in force a certificate granted under paragraph 1 of the Second Schedule to this Act;

(*b*) a declaration such as is mentioned in the First Schedule to this Act;

(*c*) a declaration that the landlord and the tenant have agreed in writing, or that the sheriff has determined, that work has been carried out as specified in the last-mentioned declaration."

4. The provisions of subsection (6) of section eighteen of this Act (which subsection confers on the landlord of a dwelling-house a right of appeal to the sheriff in certain cases) shall apply in relation to the granting of a certificate under paragraph 2 of this Schedule as it applies in relation to the granting of a certificate under subsection (1) of that section; and, if the sheriff revokes a certificate granted under the said paragraph 2, the local authority shall forthwith grant a certificate under paragraph 1 of this Schedule.

5. In the First Schedule to this Act—

(*a*) for sub-paragraph (1) of paragraph 4 there shall be substituted the following sub-paragraph—

"(1) The service of a notice of increase containing such a declaration as is required by this Schedule shall be treated for the purposes of subsection (1) of section sixteen of this Act as the production of satisfactory evidence that work has been carried out as mentioned in paragraph (*b*) of that subsection if, but only if, before the service of that notice, either—

(*a*) the landlord and the tenant have agreed in writing that work has been carried out as so mentioned; or

2ND SCH. —*cont.*

(*b*) the sheriff, on the application of the landlord, is satisfied that work has been carried out as so mentioned and has determined accordingly;

and, where the landlord and the tenant have so agreed or the sheriff has so determined, the validity of a declaration shall not be questioned on the ground that the value of the work stated in the declaration to have been carried out on the dwelling-house is less than that required by the foregoing provisions of this Schedule"; and

(*b*) paragraph 5 shall be omitted.

THIRD SCHEDULE

Section 25.

MODIFICATIONS OF RENT ACTS IN APPLICATION TO TENANCIES PREVIOUSLY EXEMPTED UNDER S. 3 (2) (*c*) OF THE ACT OF 1939

1. In the provisions specified in the following Table there shall be substituted, for the references to the passing or the commencement of the Act of 1939, references to the following date, that is to say—

(*a*) if on the thirteenth day of November, nineteen hundred and fifty-three, the dwelling-house was let under such a tenancy as is mentioned in paragraph (*b*) of subsection (6) of section twenty-five of this Act, that date;

(*b*) in any other case, the date before the commencement of this Act on which it was first so let.

TABLE

Act of 1920	Section 1. Section 2 (1) (*a*). Section 2 (1) (*b*). Section 7, proviso (i). Section 9 (1). Section 10. Section 12 (1) (*a*). Section 12 (1) (*b*).
Act of 1933	Schedule 1, paragraph (*h*).

2. In the Act of 1920 the proviso to section one shall be omitted.

3. In subsection (4) of section four of the Act of 1933 for the reference to the commencement of the Act of 1939 there shall be substituted a reference to the commencement of this Act.

4. In section six of the Act of 1933 for the words from "at which the dwelling-house was let" to "the rent at which it was first let" there shall be substituted the words "at which the dwelling-house was let on the date specified in paragraph 1 of the Third Schedule to the Housing (Repairs and Rents) (Scotland) Act, 1954."

Section 44.

FOURTH SCHEDULE

REPEALS

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	In section two, subsections (2), (4) and (5).
13 & 14 Geo. 5. c. 32.	The Rent and Mortgage Interest Restrictions Act, 1923.	Section five; in section eighteen, subsection (1), in subsection (3) the words "of a sanitary authority or" and the words "authority or" (in each place in which the last-mentioned words occur), and subsections (4) and (5).
23 & 24 Geo. 5. c. 32.	The Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.	Section twelve. In section fifteen, in paragraph (*a*) the words from "and for any reference" to the end of the paragraph.
1 & 2 Geo. 6. c. 26.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1938.	In section eight, in subsection (3), sub-paragraph (i) of paragraph (*d*).
2 & 3 Geo. 6. c. 71.	The Rent and Mortgage Interest Restrictions Act, 1939.	In section three, paragraph (*c*) of subsection (2). In section eight, paragraph (*d*).
9 & 10 Geo. 6. c. 42.	The Water (Scotland) Act, 1946.	Section fifty-seven so far as relating to a house or a building which contains a house or a part of such a building.
12, 13 & 14 Geo. 6. c. 40.	The Landlord and Tenant (Rent Control) Act, 1949.	In section one, in subsection (7), paragraph (*a*).
14 Geo. 6. c. 34	The Housing (Scotland) Act, 1950.	In section eight, the proviso to subsection (3); in section one hundred and twenty-five, paragraph (*b*) and in the proviso the words from "or, as the case may be" to the end of paragraph (i) of the proviso.
—	The Defence (General) Regulations, 1939.	Regulations 68B and 68BB.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Valuation (Scotland) Act, 1854 ...	17 & 18 Vict. c. 91.
Industrial and Provident Societies Act, 1893	56 & 57 Vict. c. 39.
Housing Act, 1914	4 & 5 Geo. 5. c. 31.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920	10 & 11 Geo. 5. c. 17.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.
Rent and Mortgage Interest Restrictions Act, 1939	2 & 3 Geo. 6. c. 71.
War Damage Act, 1943	6 & 7 Geo. 6. c. 21.
Rent of Furnished Houses Control (Scotland) Act, 1943	6 & 7 Geo. 6. c. 44.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Water (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 31.
Landlord and Tenant (Rent Control) Act, 1949	12, 13 & 14 Geo. 6. c. 40.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951	14 & 15 Geo. 6. c. 65.
Housing (Scotland) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 63.

CHAPTER 51

An Act to extend the application of the Hire-Purchase Act, 1938, and the Hire Purchase and Small Debt (Scotland) Act, 1932; and to make further provision as to postponed orders for specific delivery of goods under the said Act of 1938. [30th July, 1954]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of application of Hire-Purchase Act, 1938. 1 & 2 Geo. 6. c. 53.

1.—(1) The hire-purchase agreements and credit-sale agreements to which the Hire-Purchase Act, 1938, applies shall include—

(*a*) an agreement relating to livestock under which the hire-purchase price or total purchase price, as the case may be, does not exceed one thousand pounds;