6TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Geo. 5. c. 19.	The Housing Act, 1921	Sections two, three, four and nine; section five, except so far as it amends the Small Dwellings Acquisition Act, 1899. Section six, except so far as it amends section ten of the Housing (Additional Powers) Act, 1919.
12 & 13 Geo. 5. c. 33.	The Public Works Loans Act, 1922.	Section four.
13 & 14 Geo. 5. c. 24.	The Housing, &c., Act, 1923.	Sections five, seven to fifteen and seventeen. The First Schedule. The Second Schedule, except so far as it amends sections fifty-nine and sixty-nine of the Housing, Town Planning, &c. Acts, 1909.
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	Section twelve. The Second Schedule, so far as it amends section five of the Housing, &c., Act, 1923.

CHAPTER 15.

An Act to consolidate the enactments relating to the Housing of the Working Classes in Scotland. [9th April 1925.]

BE it enacted by the King'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.

PROVISIONS FOR SECURING THE REPAIR, MAINTENANCE AND SANITARY CONDITIONS OF HOUSES.

Obligations as to Repair of Houses.

Conditions to be implied on letting houses for habitation.

1.—(1) In any contract for letting for habitation a dwelling-house at a rent not exceeding twenty-six pounds, there shall, notwithstanding any stipulation to the contrary, be implied a condition that the house is at the commencement of the tenancy, and an undertaking that the house will be kept by the landlord during the tenancy, in all respects reasonably fit for human habitation :

Provided that the condition and undertaking aforesaid shall not be implied when a house is let for a period of not less than three years upon the terms that it be put by the lessee into a condition in all respects reasonably fit for habitation, and the lease is not determinable at the option of either party before the expiration of three years.

(2) The landlord, or any person authorised by him in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any premises to which this section applies for the purpose of viewing the state and condition thereof.

(3) In this section the expression " landlord " means any person who lets to a tenant for habitation any house under any contract referred to in this section, and includes his successors in title, and the expression " dwelling-house " includes part of a dwelling-house.

(4) This section shall apply to a contract made either before or after the commencement of this Act :

Provided that in the case of a house the rent whereof exceeds sixteen pounds this section shall not apply if the contract was made before the thirty-first day of July, nineteen hundred and twenty-three.

Application of s. 1 to dwelling-houses occupied by workmen engaged in agriculture.

2.—(1) Notwithstanding any agreement to the contrary, where under any contract of employment of a workman employed in agriculture the provision of a house or part of a house for the occupation of the workman forms part of the remuneration of the workman, and the provisions of the foregoing section are inapplicable by reason only of the house or part of the house not being let to the workman, there shall be implied as part of the contract of employment the like condition and undertaking as would be implied under those provisions if the house or part of the house were so let, and those provisions shall apply accordingly as if incorporated in this section, with the substitution of "employer" for "landlord" and such other modifications as may be necessary:

Provided that this section shall not affect the obligation of any person other than the employer to repair a house to which this section applies, or any remedy for enforcing any such obligation.

(2) This section shall apply whether the contract of employment was entered into before or after the commencement of this Act, but shall not apply in respect of any period during which the house was occupied under any such contract before the first day of January, nineteen hundred and twenty-one.

Power to local authority to repair houses.

3.—(1) If the owner of any dwelling-house suitable for occupation by persons of the working classes fails to make or keep the house in all respects reasonably fit for human habitation, then, without prejudice to any other powers, the local authority may serve a notice in writing upon the owner of the house, requiring him within a reasonable time, not being less than twenty-one days, specified in the notice, to execute the works specified in the notice as being necessary to make the house in all respects reasonably fit for human habitation:

Provided that, if the house is not capable without reconstruction of being made in all respects reasonably fit for human habitation, the owner may, within twenty-one days after the receipt of such notice, by written counter notice to the local authority, declare his intention of closing the house for human habitation, and thereupon a closing order shall be deemed to have become operative in respect of such house. Any question

arising under this proviso shall, in case of difference between the owner and the local authority, be determined by the sheriff.

(2) If the notice of the local authority is not complied with, then—

(*a*) at the expiration of the time specified in that notice if no such counter notice as aforesaid has been given by the owner; and

(*b*) at the expiration of twenty-one days from the determination by the sheriff if such notice has been given by the owner, and the sheriff has determined that the house is capable without reconstruction of being made in all respects reasonably fit for human habitation,

the local authority may themselves do the work required to be done.

(3) (*a*) Any expenses incurred by the local authority under this section may be recovered from the owner in a summary manner, together with interest at the prescribed rate, from the date of service of a demand for the same till payment thereof.

(*b*) The local authority may by order declare any such expenses to be payable by monthly or annual instalments within a period not exceeding thirty years, with interest at the prescribed rate from the date of service of notice of demand until the whole amount is paid, and any such instalments and interest or any part thereof may be recovered in a summary manner from the owner or occupier, and if recovered from the occupier may be deducted by him from the rent of the house.

(*c*) For the purposes of this subsection, interest at the prescribed rate means interest at such rate as the Board with the approval of the Treasury may from time to time by order fix, and different rates of interest may be fixed in different cases.

(4) An owner may appeal to the sheriff against—

(*a*) any notice requiring him to execute works under this section; or

(*b*) any demand for the recovery of expenses from him under this section; or

(*c*) an order made by the local authority under this section with respect to those expenses;

by giving notice of appeal to the sheriff within twenty-one days after the notice is received or the demand or order is made, as the case may be, or such longer time as the sheriff may allow, and no proceedings shall be taken in respect of any notice, demand or order whilst the appeal is pending :

Provided that no appeal against such a demand or order shall lie if and so far as the appeal raises any question which might have been raised on an appeal against the notice itself.

(5) Any such notice, demand or order shall be binding and conclusive as to any matters which could have been raised on such appeal to the sheriff.

(6) In addition to serving the notice on the owner the local authority may serve copies of the notice on any persons having a right or interest in the premises superior to that of the owner, and it shall be the duty of the owner or any other person having such a right or interest, on being so required by the local authority, to state the name and address of the person from whom he holds, and if he fails to do so, or knowingly makes a mis-statement, he shall be liable on summary conviction to a fine not exceeding five pounds.

(7) Any remedy given by this section for failure to make or keep a house in all respects reasonably fit for human habitation shall be in addition to and not in derogation of any remedy available to the tenant against the landlord, either at common law or otherwise.

(8) In this section " owner " has the same meaning as in the Public Health (Scotland) Act, 1897. 60 & 61 Vict. c. 38.

Power of local authority to acquire closed houses.

4. Where a dwelling-house in respect of which a notice has been served upon the owner by the local authority under subsection (1) of the last foregoing section is not capable without reconstruction of being made in all respects reasonably fit for human habitation, and a closing order has in consequence been deemed to have become operative in respect thereof, the Board may, on the application of the local authority, make an order authorising the local authority to acquire the house, and thereupon this Act shall apply as if the

house were land authorised to be acquired compulsorily for the purposes of a reconstruction scheme under Part II. of this Act, and that land were specified in the scheme as having been included therein on account of the sanitary condition of the premises thereon.

Duty of Local Authority and Medical Officer of Health to Inspect Houses, &c.

Duty of local authority to inspect their district.

5. It shall be the duty of every local authority to cause an inspection of their district to be made from time to time with a view to ascertaining whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and for that purpose it shall be the duty of the local authority, and every officer of the local authority, to comply with such regulations and to keep such records as the Board may prescribe.

Representation by medical officer of health.

6. It shall be the duty of the medical officer of health of every district to represent to the local authority of that district any dwelling-house which appears to him to be in a state so dangerous or injurious to health as to be unfit for human habitation.

Representation on complaint.

7. If in any district any four or more local government electors living in or near to any street complain in writing to the medical officer of health of that district that any dwelling-house in or near that street is in a condition so dangerous or injurious to health as to be unfit for human habitation, or if the parish council or landward committee of any parish in the district of any local authority, not being a town council, make a complaint in writing to the medical officer of health to the like effect with respect to any dwelling-house in the district, the medical officer of health shall forthwith inspect the dwelling-house and transmit to the local authority the complaint, together with his opinion thereon, and if he is of opinion that the dwelling-house is in the condition aforesaid, shall represent the same to the local authority, but the absence of any such complaint shall not excuse him from inspecting any dwelling-house and making a representation thereon to the local authority.

Closing and Demolition Orders.

Duty of local authority as to closing house unfit for human habitation.

8.—(1) If, on the representation of the medical officer of health, or of any other officer of a local authority, or other information given, any dwelling-house appears to the local authority to be in a state so dangerous or injurious to health as to be unfit for human habitation, the local authority shall make a closing order prohibiting the use of the house for human habitation until in the judgment of the local authority the house is rendered fit for that purpose.

(2) Notice of a closing order shall be forthwith served on every owner of the house in respect of which it is made, and any owner aggrieved by the order may appeal to the sheriff by giving notice of appeal to the sheriff within fourteen days after the notice is served upon him.

(3) Where a closing order has become operative the local authority shall serve notice of the order on the person inhabiting the house in respect of which the order is made, and, within such period as is specified in the notice, not being less than fourteen days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the house, and in default he may, on application for the purpose being made by the local authority, be ordered by the sheriff or any two justices of the peace sitting in open court, or any magistrate having jurisdiction in the place, to quit the house within such time as may be specified in the order.

(4) Unless the house has been made unfit for habitation by the wilful act or default of the tenant or of any person for whom as between himself and the owner or landlord he is responsible, the local authority shall make to the tenant such reasonable allowance on account of his expense in removing as may be determined by the local authority with the consent of the owner of the house, or, if the owner of the house fails to consent to the sum determined by the local authority, as may be fixed by the sheriff or any two justices of the peace sitting in open court or any magistrate having jurisdiction in the place, and the amount of the said allowance

shall be recoverable by the local authority from the owner of the house in a summary manner.

(5) The local authority shall determine any closing order made by them if they are satisfied that the house, in respect of which the order has been made, has been rendered fit for human habitation.

(6) If, on the application of any owner of a house, the local authority refuse to determine a closing order, the owner may appeal to the sheriff by giving notice of appeal to the sheriff within fourteen days after the application is refused.

Penalty on re-letting or occupying house ordered to be closed.

9. If—

(*a*) the owner of any dwelling-house in respect of which a closing order is in force, or any other person lets or attempts to let, or occupies or permits to be occupied, that house or any part thereof as a dwelling-house; or

(*b*) the owner of any such house lets or uses the same for any purpose unless he shall previously have obtained the consent of the local authority to the purpose for which such house is proposed to be let or used;

he shall, on summary conviction, be liable to a penalty not exceeding twenty pounds, and, in the event of the offence continuing after conviction thereof, to a further penalty not exceeding five pounds for each day on which the offence is continued after such conviction.

Order for demolition.

10.—(1) Where a closing order in respect of any dwelling-house has remained operative for a period of three months, the local authority shall take into consideration the question of the demolition of the house, and shall give every owner of the house notice of the time (being some time not less than one month after the service of the notice) and place at which the question will be considered, and any owner of the house shall be entitled to be heard when the question is so taken into consideration.

(2) If upon any such consideration the local authority are of opinion that the house has not been rendered fit for human habitation, and that the necessary steps are

not being taken with all due diligence to render it so fit, or that the continuance of any building, being or being part of the house, is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring houses, they shall order the demolition of the house or building.

(3) If any owner undertakes to execute forthwith the works necessary to render the house fit for human habitation, and the local authority consider that it can be so rendered fit for human habitation, the local authority may, if they think fit, postpone the operation of the order for such time, not exceeding six months, as they think sufficient for the purpose of giving the owner an opportunity of executing the necessary works, and if and when the necessary works are completed to their satisfaction, the local authority may determine the closing and demolition orders relating to the house.

(4) Notice of an order for the demolition of a house or building shall be forthwith served on every owner of the house or building in respect of which it is made, and any owner aggrieved by the order may appeal to the sheriff by giving notice of appeal to the sheriff within twenty-one days after the notice of the order is served upon him, or, where the operation of the order has been postponed, for any period within fourteen days after the expiration of that period.

Execution of demolition order.

11.—(1) Where an order for the demolition of a house or building has been made, the owner thereof shall within three months after the order becomes operative proceed to take down and remove the house or building, and if the owner fails therein the local authority shall proceed to take down and remove the house or building and shall sell the materials, and after deducting the expenses incident to such taking down and removal pay over the balance of money (if any) to the owner.

(2) Where the amount realised by the sale of such materials is not sufficient to cover the expenses incident to the taking down and removal of the house or building, the local authority may recover the deficiency from the owner of the house or building in a summary manner.

(3) Where a house or building has been so taken down and removed, no house or other building or erection which will be dangerous or injurious to health shall be erected on the site of such house or building or any part thereof; and if any house, building or erection is erected contrary to the provisions of this subsection, the local authority may at any time order the owner thereof to abate or alter the same, and, in the event of non-compliance with the order, may abate or alter the same, and the expenses of such abatement or alteration shall be recoverable from the owner in a summary manner:

Provided that any person aggrieved by an order under this subsection may appeal to the sheriff on giving notice of appeal within one month after notice of the said order has been served on him.

Closing order in respect of underground rooms.

12.—(1) A room habitually used as a sleeping place, the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, shall, for the purposes of this Part of this Act, be deemed to be a house so dangerous or injurious to health as to be unfit for human habitation, if the room either—

(*a*) is not on an average at least seven feet in height from floor to ceiling; or

(*b*) does not comply with such regulations as the local authority with the consent of the Board may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia or exhalation:

Provided that, if the local authority, after being required to do so by the Board, fail to make such regulations, or such regulations as the Board approve, the Board may themselves make them, and the regulations so made shall have effect as if they had been made by the local authority with the consent of the Board.

(2) A closing order made in respect of a room to which this section applies shall not prevent the room being used for purposes other than those of a sleeping place; and if the occupier of the room after notice of an order has been served upon him fails to comply with

the order, an order to comply therewith may, on summary conviction, be made against him.

(3) A closing order made in respect of any room to which this section applies shall not be treated as a closing order in respect of a house for the purposes of the provisions of this Part of this Act relating to demolition orders.

Prohibition of back-to-back houses.

13.—(1) Notwithstanding anything in any local Act or byelaw in force in any burgh or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes, and any such house shall be deemed to be in a state so dangerous or injurious to health as to be unfit for human habitation for the purposes of the provisions of this Act:

Provided that nothing in this section shall prevent the erection or use of a house containing several dwellings in which the dwellings are placed back-to-back if the medical officer of health for the burgh or district certifies that the several dwellings are so constructed and arranged as to secure effective ventilation of all habitable rooms in every dwelling.

(2) This section shall apply to any house commenced to be erected after the third day of December, nineteen hundred and nine, except that it shall not apply to houses abutting on any streets, the plans whereof were approved by the local authority before the first day of May, nineteen hundred and nine, in any burgh or district in which, at the third day of December, nineteen hundred and nine, any local Act or byelaws were in force permitting the erection of back-to-back houses.

Obstructive Buildings.

Power to local authority to order obstructive buildings to be pulled down.

14.—(1) If a medical officer of health finds that any building within his district, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it—

(*a*) stops or impedes ventilation, or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health; or

(*b*) prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

the medical officer of health shall represent to the local authority the particulars relating to such first-mentioned building (in this Act referred to as "an obstructive building") stating that in his opinion it is expedient that the obstructive building should be pulled down.

(2) Any four or more local government electors in any district or the parish council or landward committee of a parish in the district of any local authority, not being a town council, may make to the local authority of the district a representation as respects any building to the like effect as that of the medical officer under this section.

(3) The local authority on receiving any such representation shall cause a report to be made to them respecting the circumstances of the building and the cost of pulling down the building and acquiring the land, and on receiving such report shall take into consideration the representation and report, and if they decide to proceed, shall cause a copy of both the representation and report to be given to the owner of the land on which the obstructive building stands, with notice of the time and place appointed by the local authority for the consideration thereof; and such owner shall be at liberty to attend and state his objections, and after hearing such objections the local authority shall make an order either allowing the objection or directing that such obstructive building shall be pulled down.

(4) Any such order for the pulling down of an obstructive building shall be subject to appeal in like manner as an order of demolition made by the local authority under this Part of this Act.

Compensation for pulling down obstructive building.

15.—(1) Where an order of the local authority for pulling down an obstructive building is made under the last foregoing section, and either no appeal is made against the order or an appeal is made and either fails or is abandoned, the local authority shall be authorised to purchase the land on which the obstructive building

is erected in like manner as if they had been authorised by a special Act to purchase the same.

(2) For the purpose of such purchase the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this Part of this Act (subject nevertheless to the provisions of this Part of this Act) and for the purpose of the provisions of those Acts this Part of this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and such land may be purchased at any time within one year after the date of the order, or if it was appealed against after the date of the confirmation of the order.

(3) The owner of the land may within one month after notice to purchase the same is served upon him declare that he desires to retain the site of the obstructive building and undertake either to pull down or to permit the local authority to pull down the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the local authority for the pulling down of the obstructive building.

(4) The amount of compensation to be paid on the purchase of any lands under this section or for the pulling down of an obstructive building shall in case of difference be settled by arbitration and shall be apportioned by the arbiter between any persons having an interest in the compensation in such manner as the arbiter may determine.

(5) Where the local authority is empowered to purchase land compulsorily, it shall not be competent for the owner of a house, manufactory or other building to insist on his entire holding being taken where part only is proposed to be taken as obstructive, and where such part proposed to be taken can, in the opinion of the arbiter to whom the question of disputed compensation is submitted, be severed from the remainder of the house, manufactory or other building without material detriment thereto, provided that compensation may be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part.

(6) Where in the opinion of the arbiter the demolition of an obstructive building adds to the value of such other buildings as are mentioned in subsection (1) of the last foregoing section, the arbiter shall apportion so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of the other buildings amongst such other buildings respectively, and the local authority shall be entitled to recover in a summary manner the amount apportioned to any such building in respect of its increase in value by reason of the demolition of the obstructive building from the owner or occupier thereof according to their respective interests in such increase in value.

(7) Where the amount to be paid for compensation for the purchase of any land under this section or for the demolition of an obstructive building has been settled otherwise than by arbitration, the power of apportioning the compensation under subsection (4) of this section or of apportioning any part of the compensation amongst other buildings under subsection (6) of this section, may be exercised by an arbiter appointed on the application of the local authority by the Board for this special purpose:

Provided that, if the owner or occupier of any such other building feels aggrieved by the decision of such arbiter as aforesaid, by whom the apportionment is made as to the amount apportioned to the building, the matter shall, on application for the purpose being made by such owner or occupier, be settled by the sheriff in manner provided by the Lands Clauses Acts in cases where the compensation claimed in respect of land does not exceed fifty pounds.

Provisions as to arbitration.

16.—(1) In all cases in which the amount of any compensation is, in pursuance of this Part of this Act, to be settled by arbitration, the compensation shall be assessed in accordance with the rules set out in Parts II. and III., of the First Schedule to this Act, so far as applicable to the case.

(2) On payment or tender to the person entitled to receive the same of the amount of compensation agreed or awarded to be paid in respect of any building, or on

payment thereof in manner prescribed by the Lands Clauses Acts, the owner shall, when required by the local authority, convey his interest in the building to them, or as they may direct; and in default thereof, or if the owner fails to adduce a good title to such building to the satisfaction of the local authority, it shall be lawful for the local authority, if they think fit, to expede an instrument under the hands of a notary public in such manner and with such consequences as are mentioned in the Lands Clauses Acts.

Provisions as to site after obstructive building demolished.

17.—(1) Where the owner retains the site or any part thereof, no house or other building or erection which will be dangerous or injurious to health, or which will be an obstructive building within the meaning of this Part of this Act, shall be erected upon the site or any part thereof; and if any house, building or erection is erected on the site contrary to the provisions of this Part of this Act, the local authority may at any time order the owner to abate or alter the said house, building or erection; and in the event of non-compliance with such order, may abate or alter the same, and the expenses of such abatement or alteration shall be recoverable from the owner in a summary manner:

Provided that any person aggrieved by such an order may appeal to the sheriff on giving notice of appeal within one month after notice of the said order has been served on him.

(2) Where the land on which the obstructive building is erected is purchased by the local authority, they shall pull down the obstructive building, or such part thereof as may be obstructive within the meaning of this Part of this Act, and keep as an open space, the whole site, or such part thereof, as may be required to be kept open for the purpose of remedying the nuisance or other evils caused by the obstructive building, and may, with the assent of the Board, and upon such terms as the Board may think expedient, sell such portion of the site as is not required for the purpose of carrying this Part of this Act into effect.

(3) A local authority may, where they so think fit, dedicate any land acquired by them under the provisions of this Part of this Act relating to obstructive buildings as a highway or other public place.

Enforcement of Provisions of Part I.

Procedure to enforce exercise of powers.

18.—(1) Where a complaint is made to the Board—

(*a*) as respects the district of a local authority not being a town council, by the county council, or by the parish council or landward committee of any parish comprised in the district, or by any four or more local government electors in the district; or

(*b*) as respects any other district by any four or more local government electors in the district;

that the local authority have failed to exercise their powers under this Part of this Act, in cases where those powers ought to have been exercised, the Board may cause a public local inquiry to be held.

(2) If, after holding such an inquiry, the Board are satisfied that there has been such a failure on the part of the local authority, it shall be lawful for the Board, with the approval of the Lord Advocate, to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein, and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just.

(3) Where it appears to the Board that a local authority have failed to make, or, if made, to give effect to any order as respects an obstructive building under this Part of this Act, or have failed to cause to be made the inspection of their district required by this Part of this Act, it shall be lawful for the Board to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed as in the last foregoing subsection.

Procedure if local authority neglect duty.

19. Section one hundred and forty-six of the Public Health (Scotland) Act, 1897 (prescribing the procedure if a local authority neglect their duty), shall have effect as if the duties imposed upon a local authority by sections five, eight, ten and twelve of this Act were duties imposed by that Act.

Supplemental.

Provision of waterclosets or earth-closets in districts other than burghs.

20.—(1) Without prejudice to the provisions of the Public Health (Scotland) Act, 1897, relating to sewers and drains, the local authority of every district other than a burgh, shall require the owner of every occupied dwelling-house or part of a dwelling-house occupied by a separate family within their district to provide for each such house or part of a house a sufficient watercloset wherever it is reasonably practicable so to do, and, where that is not so practicable, a sufficient earthcloset; and if the owner fails to carry out such requirement within three months after intimation thereof, the local authority themselves may execute the necessary work, and the expenses incurred by them in so doing may be recovered by them from the owner in a summary manner.

(2) Any question which may arise under this section as to what is reasonably practicable shall be determined summarily by the sheriff who shall have regard to all the circumstances of the case, including the expense involved, and his decision shall be final.

(3) In this section "owner" has the same meaning as in the Public Health (Scotland) Act, 1897.

Grant of charging order in favour of owner on completion of works.

21.—(1) Where any owner has completed in respect of any dwelling-house any works required to be executed by an order of a local authority under this Part of this Act, he may apply to the local authority for a charging order and shall produce to the local authority the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and also the accounts of and vouchers for the costs, charges and expenses of the works, and the local authority, when satisfied that the owner has duly executed such works and of the amount of such costs, charges and expenses, and of the expenses of obtaining the charging order which have been properly incurred, shall make an order (in this Part of this Act referred to as a "charging order") providing and declaring that the house is thereby charged and burdened with an annuity to repay the amount:

Provided that any person aggrieved by such an order may appeal to the sheriff on giving notice of

appeal within one month after notice of the said order has been served on him.

(2) The annuity charged shall be a sum of six pounds for every one hundred pounds of the said amount and so in proportion for any less sum, and shall commence from the date of the order, and be payable for a term of thirty years to the owner named in such order, his executors or assignees.

Provisions as to charging orders.

22.—(1) A charging order shall be in such form as the Board may prescribe, and shall be recorded in the appropriate register of sasines.

(2) Every annuity constituted a charge by a charging order, duly recorded in the appropriate register of sasines, shall be a charge on the premises specified in the order having priority over all existing and future estates, interests and incumbrances, with the exception of—

(*a*) feuduties, casualties, and teinds; and

(*b*) any charges on the premises created or arising under any provision of the Public Health (Scotland) Act, 1897, or any Act amending the same, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority; and

(*c*) any charge created under any Act authorising advances of public money:

and where more annuities than one are charged under this Part of this Act on any premises such annuities shall, as between themselves, take order and preference according to the respective dates of the charging orders being recorded in the appropriate register of sasines.

(3) A charging order, duly recorded in the appropriate register of sasines, shall be conclusive evidence that all notices, acts and proceedings by this Part of this Act directed with reference to or consequent on the obtaining of such an order, or the making of such a charge, have been duly served, done and taken, and that the charge has been duly created, and that it is a valid charge on the premises declared to be subject thereto.

(4) Every annuity charged by any such charging order may be recovered by the person for the time being entitled to it by the same means and in the like manner in all respects as if it were a rentcharge secured upon the premises by absolute order made under and in terms of the Improvement of Land Act, 1864. 27 & 28 Vict. c. 114.

(5) A charging order and all sums payable thereunder may be from time to time transferred in like manner as a bond and disposition in security or rentcharge may be transferred.

(6) Any owner of or other person interested in premises on which an annuity has been charged by any such charging order shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sum as may be agreed upon or in default of agreement determined by the Board.

Provision in favour of superior of lands.

23.—(1) The superior of any lands and heritages may give notice of his right of superiority to the local authority, and thereupon the local authority shall give the superior notice of any proceedings taken by them in pursuance of this Part of this Act in relation to such lands and heritages.

(2) If it appears to the sheriff, on the application of the superior, that default is being made in the execution of any works required to be executed on such lands and heritages in respect of which a closing order has been made, or in the demolition of a building on such lands and heritages, or in claiming to retain any site, in pursuance of this Part of this Act, and that the interests of the applicant will be prejudiced by such default, and that it is just to make the order, the sheriff may make an order empowering the applicant forthwith to enter on the lands and heritages, and within the time fixed by the order to execute the said works, or to demolish the building, or to claim to retain the site, as the case may be.

(3) The sheriff may in any case, by order, enlarge the time within which a claim may be made to retain the site of a building.

(4) Before an order is made under this section notice of the application shall be given to the local authority.

Extension of power of making byelaws respecting houses divided into separate dwellings.

24.—(1) The power of making and enforcing byelaws under section seventy-two of the Public Health (Scotland) Act, 1897, with respect to houses or parts of houses which are let in lodgings or occupied by members of more than one family, shall, in the case of houses intended for the working classes, extend to the making and enforcing of byelaws imposing any duty (being a duty which may be imposed by the byelaws and which involves the execution of work) upon the owner within the meaning of the said Act of the said house, in addition to or in substitution for any other person having an interest in the premises, and prescribing the circumstances and conditions in and subject to which any such duty is to be discharged.

(2) For the purpose of discharging any duty so imposed, the owner or other person may at all reasonable times enter upon any part of the premises, and section one hundred and five of this Act shall apply as if for the reference to the provisions of this Part of this Act there were substituted a reference to the provisions of such byelaws, and as if the person on whom such duty is imposed were the owner, and any inmate of the premises were the occupier of a dwelling-house.

(3) Where an owner or other person has failed to execute any work which he has been required to execute under the byelaws, the local authority may, after giving to him not less than twenty-one days' notice in writing, themselves execute the works and recover the costs and expenses, and for that purpose the provisions of section three of this Act, with respect to the execution of works and the recovery of expenses by local authorities shall apply, with such modifications as may be necessary.

Saving for remedies of owner for breach of contract, &c.

25. Nothing in this Part of this Act shall prejudice or interfere with the right or remedies of any owner for the breach, non-observance or non-performance of any contract or obligation entered into by a tenant or lessee in reference to any dwelling-house in respect of which an order is made by a local authority under this Part of this Act; and if any owner is obliged to take possession of any house in order to comply with any such order, the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance that may have occurred prior to his so taking possession.

PART II.

IMPROVEMENT AND RECONSTRUCTION SCHEMES.

Improvement Schemes.

Duty of local authority to make scheme for improvement of unhealthy area.

26.—(1) Where an official representation is made to a local authority as respects any area in the district of the local authority either—

(*a*) that any houses, courts, or alleys within the area are unfit for human habitation, or

(*b*) that the narrowness, closeness, and bad arrangement, or the bad condition of the streets and houses or groups of houses within the area, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings in the area or of the neighbouring buildings;

and that the most satisfactory method of dealing with the evils connected with such houses, courts, or alleys, and the sanitary defects in the area, is a scheme (hereinafter referred to as " an improvement scheme ") for the re-arrangement and reconstruction of the streets and houses within the area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that the area is an unhealthy area and that an improvement scheme ought to be made in respect of the area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of the area.

(2) Any number of such areas may be included in one improvement scheme.

(3) Save as hereinafter provided, the provisions of this Part of this Act relating to improvement schemes shall not apply to a district other than a burgh :

Provided that it shall be lawful for the local authority of any district other than a burgh to apply to the Board for an order declaring that the said provisions shall apply to their district, and the Board, if they

are satisfied, after such inquiry (if any) as they may think fit, that the conditions of the whole or any part of the district approximate as regards housing to those of a burgh, and are such that it is desirable that the said provisions should apply to the district, may make an order accordingly, and thereupon the said provisions shall apply to the district.

Official representations.

27.—(1) An official representation for the purposes of the last foregoing section shall mean a representation made to the local authority by the medical officer of health of that local authority.

(2) A medical officer of health shall make such representation whenever he sees cause to make the same; and if any two or more justices of the peace acting within the district, or any four or more local government electors in the district complain to him of the unhealthiness of any area within such district, it shall be the duty of the medical officer forthwith to inspect the area and to make a report stating the facts of the case, and whether in his opinion the said area or any part thereof is or is not an unhealthy area, and if he considers the case one proper for making an official representation he shall make such a representation.

Reconstruction Scheme.

Duty of local authority to make reconstruction schemes.

28. In any of the following cases—

(*a*) where an order for the demolition of a building has been made in pursuance of Part I. of this Act, and it appears to the local authority that it would be beneficial to the health of the inhabitants of the neighbouring houses if the area of which such building forms part were used for all or any of the following purposes,—

(i) dedicated as a highway or open space, or

(ii) appropriated, sold, or let for the erection of dwelling-houses for the working classes, or

(iii) exchanged with other neighbouring land which is more suitable for the erection

of such houses, and which on exchange will be appropriated, sold, or let for such erection; or

(*b*) where it appears to the local authority that the closeness, narrowness, and bad arrangement or bad condition of any buildings, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defect in any buildings is dangerous or prejudicial to the health of the inhabitants either of the said buildings or of the neighbouring buildings, and that the most satisfactory method of dealing with the said evils is by the demolition or the reconstruction or rearrangement of the said buildings or of some of them, and that the area comprising those buildings and the yards, outhouses, and pertinents thereof, and the site thereof, is too small to be dealt with by improvement scheme,

the local authority shall pass a resolution to the above effect and direct a scheme (hereinafter referred to as "a reconstruction scheme") to be prepared for the improvement of the said area.

Provisions as to Improvement and Reconstruction Schemes.

Requisites for improvement and reconstruction schemes.

29.—(1) An improvement or reconstruction scheme of a local authority shall be accompanied by maps, particulars, and estimates, and

(*a*) may exclude any part of the area in respect of which the resolution was passed, or include any neighbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient; and

(*b*) may provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health; and

(*c*) shall provide for proper sanitary arrangements; and

(*d*) may provide for any other matter (including the closing and diversion of highways) for

which it seems expedient to make provision with a view to the improvement of the area or the general efficiency of the scheme.

(2) The scheme shall distinguish the lands proposed to be taken compulsorily.

(3) The scheme may also provide for the scheme or any part thereof being carried out and effected under the superintendence and control of the local authority by any person having such interest in any property comprised in the scheme as may be sufficient to enable him to carry out and effect the same upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such person.

(4) Where by or in consequence of an improvement or reconstruction scheme persons of the working classes in the area affected by the scheme will be displaced, the scheme shall, if the Board so require (but it shall not otherwise be obligatory on the local authority so to frame their scheme), provide for the accommodation of such number of those persons so displaced in suitable dwellings to be erected in such place or places either within or without the limits of the same area as the Board, on a report made by the officer conducting the local inquiry hereinafter mentioned, may require.

(5) A local authority may, for the purpose of providing such accommodation, appropriate any lands for the time being belonging to them which are suitable for the purpose, or may purchase by agreement any such further lands as may be convenient.

Publication of notices, &c.

30. As soon as an improvement or reconstruction scheme has been prepared the local authority shall forthwith—

(*a*) publish in a newspaper circulating within the district of the local authority, an advertisement stating the fact of such a scheme having been made, the limits of the area comprised therein, and naming a place within that area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and

(*b*) serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier (except tenants for a month or a period less than a month) of any lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of such a scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands.

Confirmation of improvement and reconstruction schemes.

31.—(1) Upon compliance with the foregoing provisions with respect to the publication of an advertisement and the service of notices, the local authority shall present a petition to the Board praying that an order may be made confirming the scheme.

(2) The petition shall be accompanied by a copy of the scheme and shall state the names of any owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking of their lands, and shall be supported by such evidence as the Board may from time to time require.

(3) The Board, after considering the petition, may cause a local inquiry to be held, and, if satisfied on the report thereon that the circumstances are such as to justify the making of the scheme and that the carrying into effect of the scheme either absolutely, or subject to conditions or modifications, would be beneficial to the health of the inhabitants of the area in question, or of the neighbouring dwelling-houses, may by order confirm the scheme with or without such conditions or modifications, so, however, that no addition shall be made to the lands proposed in the scheme to be taken compulsorily.

(4) The order may incorporate the provisions of the Lands Clauses Acts, and for the purpose of those provisions this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and the land comprised in the area shall be acquired within three years after the date of the making of the order:

Provided that the amount of compensation shall, in case of difference, be settled by arbitration as hereinafter provided, and that the Lands Clauses Acts as so incorporated shall have effect subject to the provision of the Second Schedule to this Act.

(5) The order of the Board when made shall have effect as if enacted in this Act.

(6) It shall be the duty of a local authority to serve a notice of any order so made, in the manner in which and upon the persons upon whom notices in respect of lands proposed to be taken compulsorily are required by this Part of this Act to be served.

Provisions as to expenses.

32.—(1) The Board may make such order as they think fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges and expenses properly incurred by him in opposing such scheme.

(2) All costs, charges and expenses incurred by the Board in relation to any order under the last foregoing section, to such amount as the Board think proper to direct, and all costs, charges and expenses of any person to such amount as may be allowed to him by the Board in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this Part of this Act, and shall be paid to the Board and to such person respectively in such manner and at such times and either in one sum or by instalments as the Board may order, with power for the Board to direct interest to be paid at such rate not exceeding five pounds per centum per annum as the Board may determine, upon any sum for the time being due in respect of such costs, charges and expenses as aforesaid.

(3) Where any such order with respect to costs, charges, and expenses is made by the Board in pursuance of this section, the Court of Session may, on the application of the Lord Advocate, on behalf of the Board, or on the application of any person interested, interpose their authority to any such order and grant decree conform thereto upon which execution and diligence may proceed in common form.

Execution of Improvement and Reconstruction Schemes.

Duty of local authority to carry scheme when confirmed into execution.

33.—(1) When an order confirming any improvement or reconstruction scheme of a local authority has been made by the Board, it shall be the duty of the local authority to take steps for purchasing the land required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable:

Provided that the local authority shall not be required to acquire any leasehold interest in any property comprised in a scheme which can be allowed to expire without unduly delaying the execution of the scheme.

(2) The local authority may sell, feu or let all or any part of the area comprised in the scheme to any purchasers, feuars or lessees for the purpose and under the condition that such purchasers, feuars or lessees will, as respects the land so purchased by or feued or leased to them, carry the scheme into execution; and in particular they may insert in any conveyance, feuright or lease of any part of the area provisions—

(*a*) binding the purchaser, feuar or tenant to build thereon as in the conveyance, feuright or lease provided, and to maintain and repair the premises thereon; and

(*b*) prohibiting the division of such premises, and any addition to or alteration of the character of such premises, without the consent of the local authority; and

(*c*) for the revesting of the land in the local authority, or their re-entry thereon, on breach of any provision in the conveyance, feuright or lease.

(3) The local authority may also make arrangements with any body of trustees, society, or person, to carry the whole or any part of the scheme into effect upon such terms as the local authority may think expedient.

(4) The local authority shall not themselves, without the express approval of the Board, undertake the rebuilding of any premises or the execution of any part of the scheme, except that they may take down any or all of

the premises upon the area, and clear the whole or any part thereof, and may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other streets in the district.

(5) The local authority shall in any conveyance, feuright or lease of any part of the area which may be appropriated by the scheme for the erection of dwelling-houses for the working classes, impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

(6) The local authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their acquiring any part thereof, contract with any person having such right or interest in any land comprised in the scheme as may be sufficient to enable him to do so for the carrying of the scheme into effect by him in respect of such land.

(7) Where any premises or any part of any premises purchased by the local authority in pursuance of a scheme are not closed by a closing order, and are occupied by any tenant whose contract of tenancy is for less than a year, the local authority, if they require him to give up possession of such premises or part for the purpose of pulling down the premises, may make to the said tenant a reasonable allowance on account of his expenses in removing.

Completion of scheme on failure of local authority.

34.—(1) If within five years after the removal of any buildings on the land set aside by any improvement or reconstruction scheme confirmed under this Part of this Act as sites for dwelling-houses for the working classes, the local authority have failed to sell, feu or let the land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of such houses, the Board may order the land to be sold or feued.

(2) The order shall require the land to be sold or feued by public auction or public tender, with full

power to fix a reserve price or feuduty, subject to the conditions imposed by the scheme and to any modifications thereof which may be made in pursuance of this Part of this Act, and to a special condition on the part of the purchaser or feuar to erect upon the land houses for the working classes, in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the Board may deem necessary.

Power of Board to modify confirmed scheme.

35. The Board, on the application of the local authority, and on its being proved to their satisfaction that an improvement can be made in the details of any improvement or reconstruction scheme confirmed under this Part of this Act, may permit the local authority to modify any part of the scheme either by the abandonment of any part thereof which it may appear inexpedient to carry into execution or by amending or adding to the scheme in matters of detail in such manner as appears to the Board expedient, but any part of the scheme respecting the provision of dwelling-houses for the working classes when so modified, shall be such as might have been inserted in the original scheme.

Extinction of rights of way and other servitudes.

36. Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any improvement or reconstruction scheme under this Part of this Act, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or servitudes in or relating to such lands, or any part thereof, shall, save as hereinafter provided, be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919: 9 & 10 Geo. 5. c. 57.

Provided that any such scheme may, with the consent of the person or body of persons entitled to any such right or servitude provide for any exceptions, restrictions, or modifications in the application of this

section to that right or servitude, and this section shall take effect subject to any such exceptions, restrictions, or modifications.

Provisions as to Compensation.

Provisions as to assessment of compensation.

37.—(1) Where land included in any improvement or reconstruction scheme made under this Part of this Act, or the corresponding provision of any Act repealed by this Act (other than land included in such a scheme only for the purpose of making the scheme efficient and not on account of the sanitary condition of the premises thereon or of those premises being dangerous or prejudicial to health) is acquired compulsorily, the compensation to be paid for the land, including any premises thereon which are specified in the scheme as being in an insanitary condition or dangerous or prejudicial to health, shall be the value at the time when the valuation is made of the land as a site cleared of buildings and available for development in accordance with the building regulations for the time being in force in the district:

Provided that, if in the opinion of the Board it is necessary that provision should be made by the scheme for the rehousing of persons of the working classes on the land or part thereof when cleared, or that the land, or a part thereof, when cleared should be laid out as an open space, the compensation payable to all persons interested in any land included in the scheme (other than as aforesaid), including any premises thereon which are specified in the scheme as being in an insanitary condition or dangerous or prejudicial to health, for their respective interests in such land or premises, shall be reduced by an amount ascertained as follows:—

(*a*) the value of the whole of the land included in the scheme shall first be ascertained on the basis of its value as a cleared site available for development in accordance with the building regulations in force in the district;

(*b*) the value of the whole of the said land shall next be ascertained on the basis of its value as a cleared site subject to the requirements of

the scheme as to the provision to be made for the rehousing of persons of the working classes or the laying out of open spaces on the land or any part thereof;

(*c*) the difference between the amounts ascertained under paragraphs (*a*) and (*b*) shall then be computed;

(*d*) the amount by which the compensation payable for the respective interests in the land or premises to which the foregoing provisions of this section apply, as ascertained in accordance with the principle laid down in those provisions, is to be reduced, shall be a fraction thereof equal to the amount arrived at under paragraph (*c*) when divided by the amount arrived at under paragraph (*a*).

(2) Subject as aforesaid the compensation to be paid for such land or premises shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) In the case of land and premises included in an improvement or reconstruction scheme only for the purpose of making the scheme efficient, and not on account of the sanitary condition of the premises thereon, or of those premises being dangerous or prejudicial to health, the compensation to be paid shall be assessed in accordance with the rules contained in Part I., of the First Schedule to this Act.

Enforcement of Provisions of Part II.

Inquiry by Board on default of medical officer in certain cases.

38.—(1) Where in any district complaint has been made to a medical officer of health of the unhealthiness of any area within that district by any person or persons competent under the foregoing provisions of this Part of this Act to make such a complaint and the medical officer of health has failed to inspect the area, or to make an official representation with respect thereto, or has made a report to the effect that in his opinion the area is not an unhealthy area, the complainer or complainers, as the case may be, or any four or more

local government electors in the district may apply to the Board and the Board may appoint any inspector or officer of the Board, or other person employed by them, to inspect the area, and to make representation to the Board stating the facts of the case, and whether, in his opinion, the area or any part thereof is or is not an unhealthy area.

The representation so made shall be transmitted by the Board to the local authority, and if it states that the area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that local authority.

(2) The Board shall make such order as to the expenses of the inquiry as they may think just, with power to require the whole or any part of such expenses to be paid by the appellants where the person appointed to make the inspection is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such expenses to be payable by the local authority where he is of opinion that the area or any part thereof is an unhealthy area.

(3) Where any order is made by the Board in pursuance of this section, the Court of Session on the application of the Lord Advocate on behalf of the Board, or on the application of any person interested, may interpose their authority and grant decree conform thereto, upon which execution and diligence may proceed in common form.

Inquiry by Board on refusal of local authority to make an improvement scheme.

39. Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, the local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the Board, and, upon the receipt thereof, the Board may direct a local inquiry to be held, and a report to be made to them with respect to the correctness of the official representation made to the local authority, and any matters connected therewith on which the Board may desire to be informed.

Procedure to enforce exercise of powers, &c.

40.—(1) Where a complaint is made to the Board—

(*a*) as respects the district of a local authority not being a town council, by the county council, or by the parish council or landward committee of any parish comprised in the district, or by any four or more local government electors in the district; or

(*b*) as respects any other district by any four or more local government electors in the district;

that the local authority have failed to exercise their powers under this Part of this Act in cases where those powers ought to have been exercised, the Board may cause a public local inquiry to be held.

(2) After holding such an inquiry, the Board are satisfied that there has been such a failure on the part of the local authority, it shall be lawful for the Board, with the approval of the Lord Advocate, to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just.

(3) Where it appears to the Board that a local authority have failed to perform their duty under this Act of carrying out any scheme made under this Part of this Act, it shall be lawful for the Board to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed as in the last foregoing subsection.

Power of Board to order schemes to be made.

41.—(1) Without prejudice to any other powers for enforcing the provisions of this Part of this Act, where the Board are satisfied that any area within the district of a local authority is an area in respect of which the local authority ought to exercise their powers under this Part of this Act, the Board may by order require the local authority to make either an improvement or a re-

construction scheme under this Part of this Act for the improvement of that area and to do all things necessary under this Act for carrying into execution the scheme so made.

(2) If the local authority fail within such time as may be prescribed by the order to make an improvement or reconstruction scheme to the satisfaction of the Board, and to carry the scheme into execution, the Board may themselves make and take such steps as may be necessary to carry out a scheme.

(3) Where the Board themselves make and carry out a scheme, they shall, for that purpose, have all the powers of a local authority under this Act, and this Act shall, with the necessary modifications and adaptations, apply accordingly; and any expenses incurred by the Board in the exercise of such powers as aforesaid shall, in the first instance, be paid out of moneys provided by Parliament, but the amount certified by the Board to have been so expended, and to be properly payable by a local authority, shall, on demand, be paid to the Board by the local authority and shall be recoverable as a debt due to the Crown.

Supplemental.

Power to acquire in advance lands in areas proposed for inclusion in schemes.

42. Where a local authority have passed a resolution that an improvement or reconstruction scheme ought to be made in respect of any area, the local authority may, with the consent of and subject to any conditions imposed by the Board, acquire by agreement any lands included within the area, notwithstanding that the scheme may not at the time of acquisition have been made by the local authority or confirmed by the Board.

PART III.

PROVISION OF HOUSES FOR THE WORKING CLASSES.

General Powers of Local Authorities.

Provision of houses for working classes.

43.—(1) A local authority may provide housing accommodation for the working classes—

(*a*) by the erection of dwelling-houses on any land acquired or appropriated by them;

(*b*) by the conversion of any buildings into dwelling-houses for the working classes;

(*c*) by acquiring houses suitable for the purpose;

(*d*) by altering, enlarging, repairing or improving any houses or buildings on land acquired as a site for the erection of dwelling-houses for the working classes, or any other houses any right or interest wherein has been acquired by the local authority.

Except in the case of the local authority of a district other than a burgh, any such powers as aforesaid may, for supplying the needs of the district, be exercised outside the district of the local authority.

(2) The local authority may alter, enlarge, repair or improve any house so erected, converted or acquired, and may fit out, furnish and supply any such house with all requisite furniture, fittings and conveniences.

(3) For the purposes of this Part of this Act, the provision of housing accommodation includes the provision of lodging-houses, and separate houses or cottages containing one or several dwellings, and in the case of a cottage, a cottage with a garden of not more than one acre.

Purposes for which land may be acquired by a local authority.

44.—(1) A local authority shall have power under this Part of this Act—

(*a*) to acquire any land, including any houses or other buildings thereon, as a site for the erection of dwelling-houses for the working classes;

(*b*) to acquire any right or interest in any houses which may be made suitable as dwelling-houses for the working classes, together with any lands occupied, or which may be occupied, with such houses;

(*c*) to acquire land for the purpose of—

(i) selling, feuing or leasing the land under the powers conferred by this Act, with a view to the erection thereon of dwelling-houses for the working classes, by persons other than the local authority;

(ii) selling, feuing or leasing, under the powers conferred by this Act, any part of the land acquired with a view to the use thereof for purposes which in the opinion of the local authority are necessary or desirable for or incidental to the development of the land as a building estate.

(2) Subject to the consent of the Board and to such conditions as the Board may prescribe, a local authority may, for the purposes of this Part of this Act, acquire by agreement (but not otherwise) or contract for a lease to the local authority of dwelling-houses suitable for the working classes, whether built at the date of the contract or intended to be built thereafter.

(3) A local authority may, with the consent of and subject to any conditions imposed by the Board, acquire land by agreement (but not otherwise) for the purposes of this Part of this Act, notwithstanding that the land is not immediately required for those purposes.

Powers of dealing with land acquired.

45.—(1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the local authority may—

(*a*) lay out and construct public streets or roads and open spaces on the land;

(*b*) with the consent of the Board, sell, feu or lease the land or part thereof to any person under the condition that that person will erect and maintain thereon such number of dwelling-houses suitable for the working classes as may be fixed by the local authority in accordance with plans approved by them, and when necessary will lay out and construct public streets or roads and open spaces on the land, or use the land for purposes which, in the opinion of the local authority, are necessary or desirable for or incidental to the development of the land as a building estate in accordance with plans approved by the local authority;

(*c*) with the consent of the Board, sell, feu or lease the land or excamb it for land better

adapted for those purposes, either with or without paying or receiving any money for equality of exchange;

(*d*) with the consent of the Board, sell, feu or lease any houses on the land or erected by them on the land, subject to such conditions, restrictions and stipulations as they may think fit to impose either in regard to the maintenance of the houses as dwelling-houses for the working classes or otherwise in regard to the use of the houses and upon any such sale they may agree to the price being paid by instalments or to payment of part of the price being secured by bond and disposition in security or otherwise upon the subjects sold.

(2) Where a local authority under this section sell, feu or lease land, the local authority may contribute or agree to contribute towards the expenses of the development of the land and the laying out and construction of streets or roads thereon, subject to the condition that the streets or roads are dedicated to the public use.

(3) Land sold, feued or leased under the provisions of this section shall be sold, feued or leased at the best price or for the best feuduty or rent that can reasonably be obtained, and any capital money received in respect of any transaction under this section shall be applied in or towards the purchase of other land for the purposes of this Part of this Act, or, with the consent of the Board, to any purpose, including the repayment of borrowed money, to which capital money may properly be applied.

Application of powers of local authority under 60 & 61 Vict. c. 38.

46. A local authority may for the purposes of this Part of this Act, exercise the same powers whether of contract or otherwise as in the execution of their duties under the Public Health (Scotland) Act, 1897.

Schemes for the provision of Houses for the Working Classes.

Duty of local authority to

47.—(1) It shall be the duty of every local authority to consider the needs of their district with respect to

prepare housing schemes.

the provision of housing accommodation for the working classes, and, as often as occasion arises, to prepare and submit to the Board a scheme for the exercise of their powers under this Part of this Act.

(2) A scheme under this section shall specify—

(*a*) the approximate number and the nature of the houses which, in the opinion of the local authority, are required adequately to supply the needs of their district;

(*b*) the approximate number and the nature of the houses to be provided by the local authority, and, wherever possible, the average number of houses per acre;

(*c*) the approximate extent of land to be acquired and the localities in which land is to be acquired;

(*d*) the time within which the scheme or any part thereof is to be carried into effect;

and the scheme may contain such incidental, consequential and supplemental provisions (including provisions as to the subsequent variation of the scheme) as may appear necessary or proper for the purpose of the scheme.

(3) The Board may approve any such scheme or any part thereof without modification or subject to such modifications as they think fit, and the scheme or part thereof when so approved shall be binding on the local authority; but if the Board consider the scheme inadequate they may refuse to approve the scheme and require the local authority to prepare and submit to them an adequate scheme within such time as they may fix, or they may approve the scheme or part thereof subject to the condition that the local authority prepare and submit to them a further scheme within such time as they may fix:

Provided that local authorities in preparing, and the Board in approving, any scheme shall take into account, and, so far as possible, preserve existing erections of architectural, historic or artistic interest, and shall have regard to the natural amenities of the locality.

(4) Before the Board finally approve a scheme, the local authority shall furnish to them estimates of the cost of the scheme and of the rents expected to be derived from the houses provided under the scheme.

(5) If the Board consider as respects any local authority that an occasion for the preparation of a new scheme has arisen, they shall give notice to that effect to the local authority, and thereupon such an occasion shall be deemed to have arisen.

(6) Where the local authorities concerned or the Board are of opinion that a scheme should be made affecting the districts of two or more local authorities, such a scheme shall be prepared by the local authorities jointly, and may provide for joint action being taken by those local authorities, and for the apportionment amongst the authorities of the expenses incurred in carrying the scheme into effect.

(7) Local authorities in preparing, and the Board in approving, schemes shall make inquiry respecting and take into account any proposals by other bodies or persons to provide housing accommodation within a reasonable time.

Duty of local authority to carry out approved schemes.

48. It shall be the duty of a local authority on which obligations are imposed by any such scheme to carry that scheme into execution within such time as may be specified in the scheme or within such further time as may be allowed by the Board.

Execution of works, &c., by local authority outside their own district.

49. Where any such scheme is being carried into effect by a local authority outside their own district, that authority shall, subject to the approval of the Board, have power to execute any works which are necessary for the purposes, or are incidental to the carrying out of the scheme, subject to entering into an agreement with the local authority of the district in which the scheme is being carried out as to the terms and conditions on which any such works are to be executed.

Acquisition and Appropriation of Land.

Power to acquire land by agreement.

50. Land for the purposes of this Part of this Act may be acquired by a local authority by agreement in like manner as if those purposes were purposes of the

Public Health (Scotland) Act, 1897, and section one hundred and forty-four of that Act, so far as relating to the purchase of land by agreement, shall apply accordingly.

Power to acquire land compulsorily.

51. A local authority may be authorised to purchase land compulsorily for the purposes of this Part of this Act by means of an order submitted to the Board and confirmed by the Board in accordance with the Third Schedule to this Act:

Provided that nothing in this Act shall authorise the compulsory acquisition for the purposes of this Part of this Act of any land which is the property of any local authority, or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water or other public undertaking, or which at the date of the order forms part of any park, garden or pleasure ground, or is otherwise required for the amenity or convenience of any house.

Power to appropriate land.

52. A local authority may, with the consent of the Board, appropriate, for the purposes of this Part of this Act, any houses or land which may be for the time being vested in them, or at their disposal.

Power of trustees to sell land to local authority.

53. The trustees of any dwelling-houses for the working classes for the time being provided in any district by private subscriptions or otherwise may, with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell, feu or lease the houses to the local authority of the district, or make over to them the management thereof.

Management of Houses provided by Local Authorities.

Management vested in local authority.

54.—(1) The general management, regulation and control of the dwelling-houses provided by a local authority under this Part of this Act, or any enactment repealed by this Act, shall be vested in and exercised by the local authority.

(2) The local authority may make such reasonable charges for the tenancy or occupation of the dwelling-houses so provided as they may by regulations determine.

Byelaws for regulation of houses.

55.—(1) The local authority may make byelaws for the management, use and regulation of dwelling-houses provided by them.

(2) The local authority shall, as respects lodging-houses provided by them (that is to say, houses not occupied as separate dwellings) by byelaws, make sufficient provision for the following purposes:—

(*a*) for securing that the lodging-houses shall be under the management and control of the officers, servants or others appointed or employed in that behalf by the local authority;

(*b*) for securing the due separation at night of men and boys above eight years old from women and girls;

(*c*) for preventing damage, disturbance, interruption and indecent and offensive language and behaviour and nuisances;

(*d*) for determining the duties of the officers, servants and others appointed by the local authority;

and a printed copy or sufficient abstract of the byelaws relating to lodging-houses shall be put up and at all times kept in every room therein.

(3) Any fine for the breach of any such byelaw shall be paid to the credit of the fund or rate out of which the expenses of this Part of this Act are defrayed.

Inspection of houses.

56. A dwelling-house provided in any district under this Part of this Act, or any enactment repealed by this Act, shall be at all times open to the inspection of the local authority of that district or of any officer from time to time authorised by the local authority.

Provision of Houses by Public Utility Societies and other Persons.

Power of promoting and assisting public utility societies.

57.—(1) A local authority or a county council may promote the formation or extension of, or subject to the provisions of this Act, assist a public utility society whose objects include the erection, improvement or management of dwelling-houses for the working classes.

(2) Any local authority or county council, with the consent of and subject to any regulations or conditions which may be made or imposed by the Board, may, for the assistance of such a society—

(*a*) make grants or loans to the society;

(*b*) subscribe for any share or loan capital of the society;

(*c*) guarantee or join in guaranteeing the payment of interest on money borrowed by the society, or of any share or loan capital issued by the society;

on such terms and conditions as to rate of interest and repayment or otherwise, and on such security as the local authority or county council think fit, and, notwithstanding the provisions of section four of the Industrial and Provident Societies Act, 1893, where a local authority or county council assist such a society under this subsection, the local authority or county council shall not be prevented from having or claiming an interest in the shares of the society exceeding two hundred pounds.

56 & 57 Vict. c. 39.

Powers to companies, &c., to provide houses for working classes.

58. Any railway company, or dock or harbour company or any other company, society, or association, established for trading or manufacturing purposes in the course of whose business or in the discharge of whose duties persons of the working class are employed, may and are hereby (notwithstanding any Act of Parliament, or charter or any rule of law to the contrary) authorised at any time to erect, either on their own land or on any other land (which they are hereby authorised to purchase or take on feu and hold for the purpose and to pay for out of any funds at their disposal) dwelling-houses for the accommodation of all or any of the persons of the working class employed by them.

Duty of Local Authorities to make Byelaws.

Byelaws as to houses for the working classes in burghs.

59. It shall be the duty of the local authority of every burgh to make, with respect to dwelling-houses used or intended to be used for occupation by the working classes, byelaws with respect to the following matters:—

(*a*) the maximum number of houses to be erected on a given extent of ground;

(*b*) the number of storeys in a tenement containing houses, and the arrangement of such tenements in blocks or otherwise;

(*c*) the subdivision of houses;

(*d*) the number of adult persons and children who may occupy a house, such number to be prescribed in accordance with a cubic space standard;

(*e*) the provision of a separate watercloset, bath, scullery, larder, adequate press accommodation and accommodation for the storage of coal for each house, and facilities for washing and drying clothes;

(*f*) the provision of open spaces about houses:

Provided that byelaws relating to paragraphs (*a*), (*b*) and (*f*) shall apply to new houses only, byelaws relating to paragraphs (*c*) and (*d*) shall apply to new houses and also to existing houses, and byelaws relating to paragraph (*e*) shall apply to new houses and also, so far as is reasonably practicable, to existing houses.

In this section the expression "existing house" means a house erected or in the course of erection at the time when such byelaws come into force, or a house the plans for the erection of which have been approved at that time.

Byelaws as to occupancy of houses for working classes in districts other than burghs.

60. The local authority of every district other than a burgh shall make byelaws regulating the occupancy of dwelling-houses used or intended to be used for occupation by the working classes, and prescribing, in accordance with a cubic space standard, the number of adult persons and children who may occupy such houses.

Enforcement of Provisions of Part III.

Procedure to enforce exercise of powers.

61.—(1) Where a complaint is made to the Board—

(*a*) as respects the district of a local authority not being a town council, by the county council, or by the parish council or landward committee of any parish comprised in the district, or by any four or more local government electors in the district; or

(*b*) as respects any other district by any four or more local government electors in the district;

that the local authority have failed to exercise their powers under this Part of this Act in cases where those powers ought to have been exercised, the Board may cause a public local inquiry to be held.

(2) If after holding such an inquiry, the Board are satisfied that there has been such a failure on the part of the local authority, it shall be lawful for the Board, with the approval of the Lord Advocate, to

apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just.

Power of Board to act in place of local authority.

62.—(1) Where the Board are of opinion that a local authority have failed, or, in cases where a joint scheme has been or, in the opinion of the Board, ought to be prepared, the local authorities concerned have failed, to fulfil their duty as to the preparation of schemes under this Part of this Act or their obligations under any such scheme, the Board may cause a public local inquiry to be held by a person appointed by the Board (not being a member of the Board or in the employment of the Board), and, if after the inquiry the Board are satisfied that there has been such a failure on the part of the local authority or authorities concerned, the Board may themselves prepare and carry into execution a scheme, or take such steps as may be necessary to carry into execution any scheme prepared by the local authority or by two or more local authorities jointly, and shall for that purpose have all the powers of a local authority under this Act, and this Act shall, with the necessary modifications and adaptations, apply accordingly.

(2) Any expenses incurred by the Board in the exercise of such powers as aforesaid shall, in the first instance, be paid out of moneys provided by Parliament, but the amount certified by the Board to have been so expended, and to be properly payable by a local authority, shall on demand be paid to the Board by the local authority and shall be recoverable as a debt due to the Crown.

Supplemental.

Sale of land for housing purposes by corporations.

63. Any body corporate holding land may sell, feu, exchange or lease the land for the purpose of the erection of dwelling-houses for the working classes at such price, or for such consideration or for such feuduty or rent as, having regard to the said purpose and to all the circumstances of the case, is the best that can reasonably be obtained, notwithstanding that a higher price, consideration or feuduty or rent might have been obtained if the land were sold, feued, exchanged or leased for another purpose.

64. The improvements for the purposes of the Improvement of Land Act, 1864, as specified in section nine of that Act and as extended by subsequent enactments shall, in addition to cottages for labourers, farm servants and artizans whether employed on the land or not, include the provision of dwelling-houses available for the working classes either by means of building new buildings or by means of the reconstruction, enlargement or improvement of existing buildings, so as to make them available for the purpose if that provision of dwelling-houses is not injurious to the estate. Extension of 27 & 28 Vict. c. 114.

65. Any commissioners of waterworks, trustees of waterworks, water companies, gas companies and other corporations, bodies and persons having the management of any waterworks, reservoirs, wells, springs or streams of water, and gasworks respectively, may, in their discretion, grant and furnish supplies of water or gas for dwelling-houses provided under this Part of this Act, either without charge or on such other favourable terms as they think fit. Power to water and gas companies to supply water and gas to houses.

PART IV.

FINANCIAL PROVISIONS.

Expenses of Local Authorities, &c.

66.—(1) Subject to the provisions of this Act, all expenses incurred by a local authority in the execution of Parts I., II. and III. of this Act, shall be defrayed by them out of the public health general assessment, but such expenses shall not be reckoned in any calculation as to the statutory limit of that assessment. Expenses of local authority under Parts I., II. & III.

(2) The Board may on the application of the local authority of a district other than a burgh declare that any expenses incurred by the local authority under Part III. of this Act are to be levied as general expenses charged on one or more specified parishes or special districts comprised in the district in such proportions as the local authority may determine, to the exclusion of other parts of the district:

Provided that the local authority shall give notice to the parish council of any parish proposed to be charged of any apportionment made by them under this

subsection, and the parish council, if aggrieved by the apportionment, may appeal to the Board by giving notice of appeal to the Board within twenty-one days after notice has been so given of the apportionment.

Expenses of county councils.

67. All expenses incurred by a county council under this Act (other than those of a county council when acting in their capacity of local authority under this Act), shall be defrayed out of the general purposes rate:

52 & 53 Vict. c. 50.

Provided that, notwithstanding anything contained in the Local Government (Scotland) Act, 1889, the ratepayers of a police burgh shall not be assessed by the county council for any such expenses.

Borrowing by Local Authorities, &c.

Power of local authorities to borrow for purposes of Act.

68.—(1) Subject to the provisions of this Act, a local authority may, with the consent of the Board, borrow—

(*a*) for the purposes of Part I. of this Act, so far as it relates to the execution of repairs and works by local authorities and to compensation payable for or in respect of obstructive buildings;

(*b*) for the purposes of Part II. and Part III. of this Act;

(*c*) for the purposes of making loans and advances or of fulfilling any guarantee given by the local authority under this Part of this Act.

(2) Money so borrowed by a local authority may be borrowed upon the security of the public health general assessment rate in the same manner, and subject to the same conditions as nearly as may be, as they may borrow for the provision of permanent hospitals under the Public Health (Scotland) Act, 1897:

Provided that the money so borrowed shall, notwithstanding the provisions of section one hundred and forty-one of the said Act, be wholly repaid within such period not exceeding eighty years from the date of the loan as the Board may determine.

(3) The provisions of section sixty-seven of the Local Government (Scotland) Act, 1889, so far as not inconsistent with this section, shall apply to any money

borrowed by a county council when acting in their capacity of local authority under this Act.

Power of County Councils to borrow, lend, &c.

69.—(1) A county council, in addition to any other statutory power to borrow, may borrow, subject to the provisions of section sixty-seven of the Local Government (Scotland) Act, 1889—

(*a*) for the purpose of making grants or loans to or subscribing for the capital of a public utility society under Part III. of this Act, and as respects any money so borrowed the maximum period for repayment shall be fifty years, and fifty years shall be substituted for thirty years in subsection (2) of the said section sixty-seven; and

(*b*) with the consent of the Board, for the purpose of making loans to any local authority within their area under this section; and

(*c*) with the consent of the Board, for the purpose of making advances or fulfilling any guarantee given by the county council under section seventy-five of this Act.

(2)—(*a*) Where money is borrowed by a county council for the purpose of the provision of dwelling-houses for persons in the employment of or paid by the county council or a district committee, or of acquiring land for such houses, or for any of the purposes of section seventy-five of this Act, the maximum period for repayment shall be eighty years, and as respects money so borrowed eighty years shall be substituted for thirty years in subsection (2) of the said section sixty-seven.

(*b*) Any loan made by the Public Works Loan Commissioners to a county council for the purpose of the provision of dwelling-houses for employees as aforesaid, or of acquiring land for such houses, or for any of the purposes of section seventy-five of this Act, shall be made on the same terms and conditions as a loan to a local authority for the purposes of this Act.

(3) A county council may lend to any local authority within their area any money which that local authority have power to borrow for the purposes of this Act subject to any conditions (including conditions with respect to the borrowing by a local

authority from the county council of the money so raised) which the Board may by general or special order impose.

Power to borrow in connection with schemes carried out by local authority outside their own district.

70.—(1) Where a housing scheme approved under Part III. of this Act is being carried into effect by a local authority outside their own district, that local authority shall, subject to the approval of the Board, have power to borrow money for the purpose of defraying any expenses (including, if the Treasury so approve, interest payable in respect of any period before the completion of the scheme or a period of five years from the date of borrowing, whichever period is the shorter, on money borrowed under this section) incurred by the local authority in connection with any works necessary for the purposes of or incidental to the carrying out of the scheme, and that on the security of such assessment, as the Board may designate for the purpose.

(2) The local authority of any district in which a scheme is being carried out as aforesaid by the local authority of another district shall have power, with the approval of the Board, to borrow money for the purposes of any agreement entered into by the local authority with that other local authority under Part III. of this Act, and that in the same manner as if such works as aforesaid had been executed by the local authority.

Power to issue local bonds.

71.—(1) Without prejudice to any other powers of borrowing, a local authority or a county council may, with the consent of the Board, borrow any sums which they have power to borrow for the purposes of this Act by the issue of bonds (in this Act referred to as "local bonds") in accordance with the provisions of this Act.

(2) The provisions set out in the Fourth Schedule to this Act shall have effect with respect to local bonds.

(3) Where, on an application made by two or more local authorities or county councils, the Board are satisfied that it is expedient that those authorities or councils should have power to make a joint issue of local bonds, the Board may by order make such provision as appears to them necessary for the purpose, and any such order shall provide for the securing of the bonds issued upon the joint rates, property and revenues of the authorities or councils.

The provisions of any such order shall have effect as if they were contained in an order made under subsection (3) of section sixty-four of the National Insurance Act, 1911. 1 & 2 Geo. 5. c. 55.

(4) Any local authority or county council by whom any local bonds have been issued may, without the consent of the Board, borrow for the purpose of redeeming those bonds.

Loans by Public Works Loan Commissioners.

Provision as to loans by Public Works Loan Commissioners to local authorities.

72.—(1) The Public Works Loan Commissioners may lend to any local authority or county council any money which that local authority or county council have power to borrow for the purposes of making advances or fulfilling guarantees under section seventy-five of this Act.

(2) Where a loan is made by the Public Works Loan Commissioners to a local authority for the purposes of this Act—

(*a*) the loan shall be made at the minimum rate allowed for the time being for loans out of the Local Loans Fund; and

(*b*) if the Board make a recommendation to that effect, the period for which the loan is made may exceed the period allowed under any enactment limiting the period for which loans may be made by the Commissioners, but the period shall not exceed the period recommended by the Board nor in any case exceed eighty years; and

(*c*) as between loans for different periods, the longer duration of the loan shall not be taken as a reason for fixing a higher rate of interest.

Loans to public utility societies, &c.

73.—(1) The Public Works Loan Commissioners may, subject as hereinafter provided, advance on loan to any such company, society, association, or person as is hereinafter mentioned, moneys for the purpose of constructing or improving, or facilitating or encouraging the construction or improvement of dwelling-houses for the working classes, and in the case of a public utility society, for the purchase of houses which may be made suitable as dwelling-houses for the working classes and for the purchase and development of land, and any such company,

society, association or person may borrow from the Public Works Loan Commissioners such money as may be required for the purposes aforesaid.

(2) The companies, societies, associations and persons to whom money may be so lent and who may so borrow are—

(*a*) any railway company or dock or harbour company or any public utility society or any other company, society or association established for the purpose of constructing or improving, or facilitating, or encouraging the construction or improvement of dwelling-houses for the working classes, or for trading or manufacturing purposes in the course of whose business or in the discharge of whose duties persons of the working classes are employed;

(*b*) any person entitled to any land in fee simple or to a lease of land for a term of years, whereof not less than fifty years shall for the time being remain unexpired.

(3) Any such advance may be made whether the company, society, association or person receiving the same has or has not power to borrow on bond and disposition in security or otherwise, independently of this Act, but nothing in this Act shall affect any regulation, statutory or otherwise, whereby any company may be restricted from borrowing until a definite portion of capital is subscribed for, taken or paid up.

(4) The following conditions shall apply in the case of any such advance:—

(*a*) The period for the repayment of the sums advanced shall not exceed forty years;

(*b*) No money shall be advanced upon the security of any land or houses solely, unless the estate or interest therein proposed to be burdened shall be either an estate in fee simple or a lease for a term of years, whereof not less than fifty years are unexpired at the date of the advance;

(*c*) The money advanced upon the security of any land or houses solely shall not exceed such proportion as is hereinafter authorised of

the value to be ascertained to the satisfaction of the Public Works Loan Commissioners, of the right or interest in such land or houses proposed to be burdened; but advances may be made by instalments from time to time as the building of the houses on the land burdened progresses, so that the total advances do not at any time exceed the amount aforesaid; and the heritable security may be accordingly granted to secure such advances so to be made from time to time:

Provided that, where a loan is made under this section to a public utility society for the purpose of carrying out a scheme for the provision of dwelling-houses for the working classes approved by the Board—

(i) The maximum period for the repayment of the loan shall be fifty instead of forty years;

(ii) Money may be lent on heritable security over a lease recorded under the Registration of Leases (Scotland) Act, 1857, whereof a period not less than ten years in excess of the period fixed for the repayment of the sums advanced remains unexpired at the date of the loan. 20 & 21 Vict. c. 26.

(5) The proportion of such value as aforesaid authorised—

(*a*) In the case of a company established for the purpose of constructing or improving or of facilitating or encouraging the construction or improvement of dwelling-houses for the working classes which does not trade for a profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, shall be three quarters;

(*b*) In the case of a public utility society shall be two-thirds;

(*c*) In any other case shall be one-half:

Provided that, where the advance to any such company exceeds one half of such value as aforesaid, or if the company is a public utility society exceeds two-thirds thereof, the Public Works Loan Commissioners shall

require, in addition to a heritable security over any land or dwelling-houses, a further security of such value as they may think fit.

(6) Any loan advanced by the Public Works Loan Commissioners in pursuance of this section or to borrowers other than local authorities for the provision of labourers' dwellings under the Public Works Loans Act, 1875, or any Act amending that Act, shall bear interest at such rate not less than three pounds two shillings and sixpence per annum as the Treasury may from time to time authorise as being in their opinion sufficient to enable such loan to be made without loss to the Exchequer.

38 & 39 Vict. c. 89.

(7) For the purpose of constructing or improving or facilitating or encouraging the construction or improvement of dwelling-houses for the working classes, every such company, society or association as aforesaid is hereby authorised to purchase, take on feu or otherwise, and hold, land, and if not already a body corporate shall, for the purpose of holding land acquired under this section or the corresponding provision of any Act repealed by this Act, and of suing and being sued in respect thereof, be nevertheless deemed a body corporate with perpetual succession.

(8) A public utility society shall have power, notwithstanding anything in its rules or constitution prohibiting the payment of any interest on loan capital at a rate exceeding six per centum per annum, to raise money on loan at a rate of interest not exceeding the rate of interest for the time being prescribed by the Treasury for the purposes of this Act with respect to public utility societies.

Loans by Local Authorities for provision of Houses.

Loans by local authorities for the improvement of housing accommodation.

74.—(1) Where the owner of a house or building applies to the local authority of the district in which the house or building is situated for assistance for the purpose of carrying out works for the reconstruction, enlargement, or improvement thereof, and the local authority are of opinion that after the works are carried out the house or building would be in all respects fit for habitation as a dwelling-house or dwelling-houses for the working classes, and that the circumstances of the district in regard to housing accommodation are such as to make it

desirable that the works should be carried out, the local authority may lend to the owner the whole or any part of such sum as may be necessary to defray the cost of the works and any costs, charges, or expenses incidental thereto:

Provided that the loan shall not exceed one half of the estimated value of the property to be burdened with the heritable security for the loan, unless some additional or collateral security is given sufficient to secure the excess.

(2) Before the works are commenced full particulars of the works and, where required by the local authority, plans and specifications thereof shall be submitted to the local authority for their approval, and before any loan is made the local authority shall satisfy themselves that the works in respect of which the loan is to be made have been carried out in a satisfactory and efficient manner.

(3) For the purpose of this section "owner" includes joint owner, fiar, feuar, and lessee under a lease recorded under the Registration of Leases (Scotland) Act, 1857, whereof a period of not less than ten years in excess of the period fixed for the repayment of the loan remains unexpired at the date of the loan.

Power of local authorities and county councils to make advances, &c., for the purpose of increasing housing accommodation.

75.—(1) A local authority or a county council may, subject to such conditions as may be approved by the Board—

(*a*) advance money, subject to the provisions hereinafter contained, to persons or bodies of persons—

(i) constructing or altering or undertaking to construct or alter houses, or

(ii) acquiring or undertaking to acquire houses the construction of which was begun after the twenty-fifth day of April, nineteen hundred and twenty-three,

whether such houses are within or without the area of the local authority or county council;

(*b*) undertake to guarantee the repayment to a society incorporated under the Building Societies Acts, 1874 to 1894, or the Industrial and Provident Societies Acts, 1893 to 1913, of any advances (with interest thereon) made by the

society to any of its members for the purpose of enabling them to build houses or acquire houses the construction of which was commenced after the twenty-fifth day of April, nineteen hundred and twenty-three, whether such houses are within or without the area of the local authority or county council;

(*c*) in the case of the conversion of a house into two or more separate and self-contained flats, undertake that, if the aggregate rateable value of the flats exceeds the rateable value of the house before conversion, they will, during such period not exceeding twenty years as is specified in the undertaking, refund to the person by whom the rates on any such flat are payable the whole or any part of the difference between the rates paid by him and the rates which would be payable were the rateable value of the flat reduced by such an amount that the reduced value would bear to the rateable value the same proportion as the rateable value of the house before conversion bears to the aggregate rateable value of the flats.

(2) The local authority or county council before granting any such assistance shall satisfy themselves that the houses or flats in respect of which assistance is to be given will, when the building, alteration or conversion has been completed, be in all respects fit for human habitation, and in particular that the superficial area of any such house or flat will not be less than—

(*a*) in the case of a two-storied house six hundred and twenty feet; and

(*b*) in the case of a structurally separate and self-contained flat or a one-storied house five hundred and fifty feet;

those measurements being calculated in accordance with rules made by the Board:

Provided that, if the local authority or county council in any particular case satisfy the Board that, having regard to special circumstances existing in their area, there is a need for houses of smaller dimensions, the minimum measurement may be reduced as respects such limited number of houses for that area and subject

to such conditions as the Board may determine, in the case of a two-storied house to five hundred and seventy, and in the case of a flat or a one-storied house to five hundred superficial feet.

(3) Any such advance as aforesaid shall be subject to the following conditions:—

(*a*) The advance with interest thereon shall be secured by bond and disposition in security or deed of security in such other form as the parties concerned may agree, and the advance shall not exceed ninety per cent. of the value of the interest of the borrower in the property; and the bond and disposition in security or other security deed may provide for repayment being made either by instalments of principal or by an annuity of principal and interest combined, so, however, that in the event of any of the conditions subject to which the advance is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the local authority or county council; and

(*b*) The advance may be made by instalments from time to time as the building or alteration of the house progresses, so, however, that the total of the advance does not at any time before the completion of the house exceed fifty per cent. of the value of the work done up to that time on the construction, or on works incidental to the construction, of the house, including the value of the interest of the borrower in the site thereof; and

(*c*) The advance shall not be made except after a valuation duly made on behalf of the local authority or county council; and

(*d*) Where the interest upon which the advance is to be made is a leasehold interest, no advance shall be made unless the lease is for a term of years whereof a period of not less than ten years in excess of the period fixed for the repayment of the advance remains unexpired at the date of the advance.

(4) An advance or guarantee under this section shall not be made or given if the estimated value of the house, subject to the feu duty, ground annual or other burden incident to tenure, but free from incumbrances, in respect of which the advance or guarantee is to be made or given exceeds fifteen hundred pounds, but such an advance or guarantee may be made or given in addition to assistance given by the local authority or county council under any other Act in respect of the same house.

In the case of an advance for the construction of one or more structurally separate and self-contained flats, the estimated value for the purposes of the foregoing limitation shall, as respects any flat, be the estimated value of the flat.

Loans by local authorities executing scheme outside their own districts.

76. Where a housing scheme approved under Part III. of this Act is being carried into effect by a local authority outside their own district, that local authority shall, subject to the approval of the Board, have power to advance to the local authority of the district in which the scheme is being carried out such sums as may, by reason of any agreement made with the last-mentioned local authority under Part III. of this Act, be required by the last-mentioned local authority in connection with the construction by them of any works necessary for the purposes of or incidental to the carrying out of the scheme.

Supplemental.

Accounts and audit.

77.—(1) Separate accounts shall be kept by a local authority and their officers of their receipts and expenditure under Part I., Part II., and Part III. of this Act respectively.

(2) Such accounts shall be audited in the like manner and with the like power to the officer auditing the same, and with the like incidents and consequences, as the accounts of the local authority are for the time being required to be audited by law.

(3) Where land acquired by a local authority under Part III. of this Act is appropriated for the purpose of re-housing persons displaced by the local authority under the powers of any other Part of this Act or of any other

enactment, the receipts and expenditure in respect of that land (including all costs in respect of the acquisition and laying out of the land), and of any buildings erected thereon, may be treated as receipts and expenditure under that Part or enactment, but shall be accounted for under a separate head.

Application of purchase money.

78. The proceeds of the sale of any land acquired by a local authority for any of the purposes of this Act shall be applied for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the Board.

PART V.

GENERAL.

Re-housing by Undertakers.

Re-housing obligations where land is acquired under statutory provisions.

79. Where, under the powers given by any local Act or Provisional Order, or Order having the effect of an Act, any land is acquired, whether compulsorily or by agreement, by any authority, company, or person, or where any land is so acquired compulsorily under any general Act other than this Act or any Act repealed by this Act, the provisions set out in the Fifth Schedule to this Act shall apply with respect to the provision of housing accommodation for persons of the working class.

Provisions as to Building Regulations and Byelaws, &c.

Relaxation of building regulations.

80.—(1) Where in pursuance of a housing scheme to which this section applies new buildings are constructed or public streets or roads are laid out and constructed in accordance with plans and specifications approved by the Board, the provisions of any building regulations shall not apply to the new buildings and new streets or roads constructed and laid out in pursuance of the scheme so far as those provisions are inconsistent with the plans and specifications approved by the Board, and, notwithstanding the provisions of any other Act, any street or road laid out and constructed in accordance with such plans and specifications may be taken over and thereafter maintained by the authority responsible for the maintenance of public streets, roads, or highways in the district.

(2) Where the Board have approved plans and specifications which in certain respects are inconsistent with the provisions of any building regulations in force in the district in which the works are to be executed, any proposals for the erection therein of buildings and the laying out and construction of new streets or roads which do not form part of a housing scheme to which this section applies may, notwithstanding those provisions, be carried out if the local authority or, on appeal, the Board are satisfied that they will involve departures from such provisions only to the like extent as in the case of the plans and specifications so approved.

(3) Where the Board are themselves carrying a housing scheme into execution, it shall not be necessary for the Board to obtain the authority of the local authority or the Dean of Guild Court for the construction of buildings, or for the laying out and construction of streets and roads as aforesaid.

(4) The housing schemes to which this section applies are schemes made by a local authority or by local authorities jointly under this Act, or by a public utility society or housing trust, or by a county council or district board of control for the provision of houses for persons in their employment or paid by them, and approved by the Board, and schemes made, or carried into execution by the Board under this Act.

Provisions as to bye-laws relating to new streets.

81.—(1) For the purpose of facilitating the erection of dwelling-houses, the Board may prescribe a code of building byelaws relating to the level, width, and construction of new streets, but no such code shall have effect unless and until adopted by resolution of a local authority; and where such code or any part thereof is so adopted it shall not be necessary for the local authority to comply with the requirements of section three hundred and eighteen of the Burgh Police (Scotland) Act, 1892, or, if the byelaws are made under a local Act, the corresponding provisions of that Act, and the code or such part thereof shall have full force and effect as part of the byelaws of the local authority in substitution for such of the existing byelaws of the authority as may be specified in the resolution.

55 & 56 Vict. c. 55.

(2) Where a local authority have approved any plans and sections for a new street, subject to any conditions

imposed or authorised by any byelaws in force in the district of that local authority, those conditions may be enforced at any time by the local authority against the owner for the time being of the land to which the conditions relate.

(3) Where as respects the district of any local authority matters relating to the level, width and construction of new streets are regulated by any statutory enactment and not by byelaws, and the local authority pass a resolution adopting the said code or any part thereof, the code or such part as aforesaid shall have full force and effect as if it formed part of the statutory enactment in substitution for such provisions of the statutory enactment as may be specified in the resolution.

(4) Before a resolution is passed under this section notice of the proposed resolution shall be published in one or more newspapers in circulation in the district, and when such a resolution has been passed the local authority shall, within seven days thereafter, send a copy of the resolution to the Board.

Power to Board to revoke unreasonable byelaws.

82.—(1) If the Board are satisfied, by local inquiry or otherwise, that the erection of any buildings within any burgh or district is or is likely to be unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Board may require the local authority to revoke such byelaws or to make such new byelaws as they may consider necessary for the removal of the impediment.

(2) If the local authority do not within three months after such requisition comply therewith, the Board may themselves revoke such byelaws, and make such new byelaws as they may consider necessary for the removal of the impediment, and such new byelaws shall have effect as if they had been duly made by the local authority and confirmed.

Byelaws as to accommodation for seasonal workers.

83.—(1) With a view to the provision of proper accommodation for seasonal workers, a local authority may, and if required by the Board shall, make byelaws for the whole or any part of their district with respect to the following matters:—

(*a*) Intimation to the local authority of the intention to employ seasonal workers;

(*b*) The nature and extent of the accommodation to be provided for such workers, including due provision for—

(i) sleeping accommodation and separation of the sexes;

(ii) lighting, ventilation, cubic space, cleanliness, and furnishing, including beds and bedding and cooking utensils;

(iii) storage of food, washing of clothes, and drying of wet clothes;

(iv) waterclosets or privies for the separate use of the sexes; and

(v) a suitable supply of water;

(*c*) Determining the persons responsible for the provision of the accommodation required by the byelaws, taking into account the terms of current contracts;

(*d*) Inspection of the premises;

(*e*) Exhibition on the premises of the byelaws;

(*f*) Such other matters relating to the accommodation of seasonal workers (including determining the persons responsible for regulating the use by the workers of the accommodation), as the Board may from time to time prescribe.

(2) In cases of emergency, the Board may, on the application of the Board of Agriculture for Scotland, suspend, as respects the district of any local authority or any part thereof, the operation of any byelaw made under this section which affects agricultural interests.

(3) Without prejudice to the other provisions of this section, housing accommodation in accordance with the byelaws shall, in the case of potato-workers, harvesters, fruit-pickers and other seasonal workers employed on farms or fruit farms, be provided by the farmer or fruit-grower:

Provided that, if the provision of such accommodation involves the erection of additional buildings, the farmer or fruit-grower may require the landlord to erect such buildings on terms and conditions to be determined, failing agreement, by the Board of Agriculture for Scotland.

(4) In this section the expression " seasonal workers " includes navvies, harvesters, potato-workers, fruit-pickers, herring-gutters, and such other workers engaged in work of a temporary nature, as the Board may from time to time prescribe.

Application of certain provisions as to bye-laws.

84. The provisions of sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897, which relate to bye-laws under that Act, shall apply to byelaws made by a local authority under this Act, and a fine or penalty under any such byelaw may be recovered on summary conviction :

Provided that—

(*a*) the Board, before they allow, modify, or disallow any byelaws with respect to housing accommodation for seasonal workers, shall consult with the Board of Agriculture for Scotland, or with the Fishery Board for Scotland, as the case may be, in so far as agricultural or fishery interests respectively are affected by such byelaws;

(*b*) nothing in this section shall apply as respects the adoption by a local authority of any code of byelaws relating to new streets under this Part of this Act.

Power to authorise conversion of a house into two or more dwellings.

85.—(1) Where it is proved to the satisfaction of the sheriff, on an application by the local authority or the feuar or lessee of a house, that, owing to changes in the character of the neighbourhood in which such house is situate, the house cannot readily be let as a single dwelling but could readily be let if converted into two or more dwellings, and that the conditions or restrictions of the feu charter or feu contract or the provisions of the lease do not admit of such conversion, the sheriff, after giving any person entitled to any interest in the house or entitled to enforce such condition, restriction or provision, an opportunity of being heard, may vary the conditions or restrictions of the feu charter or feu contract or the terms of the lease so as to enable the house to be so converted, subject to such conditions and upon such terms as the sheriff may think just, and the decision of the sheriff shall be final.

(2) In this section the expression "sheriff" shall not include sheriff-substitute.

Restriction on Acquisition of certain Lands.

Provisions as to commons and open spaces.

86.—(1) Where any scheme or order under this Act authorises the acquisition or appropriation to any other purpose of any land forming part of any common or open space, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except where the scheme or order provides for giving in exchange for such land other land, not being less in area, certified by the Board, after consultation with the Board of Agriculture for Scotland to be equally advantageous to the persons, if any, entitled to common or other rights and to the public.

(2) Before giving any such certificate the Board shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) Where any such scheme or order authorises such an exchange, the scheme or order shall provide for vesting the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts, and incidents as attached to the common or open space, and for discharging the part of the common or open space, acquired or appropriated from all rights, trusts, and incidents, to which it was previously subject.

(4) For the purposes of this Act the expression "common" includes any town or village green; and the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation and any disused burial ground.

Provisions as to land in neighbourhood of royal palaces or parks.

87.—(1) Where any land proposed to be included in any scheme or order to be made under this Act, or any land proposed to be acquired under this Act, is situate within the prescribed distance from any of the royal palaces or parks, the local authority shall, before preparing the scheme or order or acquiring the land, communicate with the Commissioners of Works, and the Board shall,

before confirming the scheme or order or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations they may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section "prescribed" means prescribed by regulations made by the Board after consultation with the Commissioners of Works.

Saving for sites of ancient monuments, &c.

88. Nothing in this Act shall authorise the acquisition for the purposes of this Act of any land which is the site of an ancient monument or other object of archæological interest.

Special Powers and Duties of Local Authorities.

Power of entry on land compulsorily acquired.

89.—(1) Where a local authority are by an order confirming a scheme under Part II. of this Act or by an order made and confirmed under Part III. of this Act authorised to purchase land compulsorily for the purpose of the scheme or of Part III. of this Act, then, at any time after notice to treat has been served, the local authority may, after giving to the owner and occupier of the land such notice as is hereinafter mentioned, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with the provisions of sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken, and interest on the compensation awarded as would have been payable if those provisions had been complied with.

8 & 9 Vict. c. 19.

(2) The length of notice required to be given under the foregoing provisions of this section shall—

(*a*) in the case of land purchased for the purposes of a scheme under Part II. of this Act, be not less than twenty-eight days; and

(*b*) in the case of land purchased for the purposes of Part III. of this Act, be not less than fourteen days.

Powers in connection with provision of houses.

90.—(1) Any power of the local authority under this Act, or under any scheme made in pursuance of this Act, to provide housing accommodation, shall include a power to provide and maintain, with the consent of the Board,

and, if desired, jointly with any other person, in connection with any such housing accommodation, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Board will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

(2) The Board may, in giving their consent to the provision of any land or building under this section, by order apply, with any necessary modifications, to such land or building any statutory provisions which would have been applicable thereto if the land or building had been provided under any enactment giving any local authority powers for the purpose.

Power of local authority to enforce obligation against owner for the time being of land.

91. Where a local authority have sold land acquired by them under this Act or any enactment repealed by this Act, and the purchaser of the land has entered into an obligation with the local authority concerning the land, the local authority shall have power to enforce the obligation against the persons deriving title under that purchaser, notwithstanding that the local authority are not in possession of or interested in any land for the benefit of which the obligation was entered into, in like manner and to the like extent as if they had been in possession of or interested in such land.

Power of local authority to appoint committees.

92. A local authority may appoint a committee consisting of so many persons as they may think fit, for any purposes of this Act which in the opinion of the local authority would be better regulated and managed by means of a committee:

Provided that a committee so appointed shall consist as to a majority of its members of members of the appointing local authority and shall in no case be authorised to raise any money by rate or loan, and shall be subject to any regulations and restrictions which may be imposed by the appointing local authority.

Joint action by local authorities.

93. Where, upon an application made by one of the local authorities concerned, the Board are satisfied that it is expedient that any local authorities should act jointly for any purposes of this Act, either generally or in any special case, the Board may by order make provision for the purpose, and any provisions so made shall have the same effect as if they were contained in an

order made under section eighty-three of the Public Health (Scotland) Act, 1897.

Sale and disposal of land and houses.

94. Notwithstanding anything contained in this Act, it shall not be obligatory upon a local authority to sell and dispose of any lands or houses acquired or constructed by them for any of the purposes of this Act or of any enactment repealed by this Act, unless ordered to do so by the Board in exercise of any powers conferred on them by this Act.

Donations for housing purposes.

95. A local authority may accept a donation of land or money or other property for any of the purposes of this Act.

Powers of the Board.

Local inquiries.

96.—(1) For the purposes of the execution of their powers and duties under this Act, the Board may cause such local inquiries to be held as they may think fit, and the expenses incurred in relation to any such local inquiry (including the remuneration of any person employed by the Board for the purpose of the inquiry), shall be paid by the local authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Board may direct, and the Board may certify the amount of the expenses incurred, and any sum so certified and directed by the Board to be paid by any local authority or person shall be a debt to the Crown from such local authority or person.

(2) Except so far as inconsistent with the provisions of the preceding subsection, sections seven, eight, nine, and ten of the Public Health (Scotland) Act, 1897, shall apply for the purpose of local inquiries ordered by the Board under this Act.

Power of Board to obtain a report on any crowded area.

97. If it appears to the Board that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under this Act should be put into force in that area or not, the Board may require the local authority to make a report to them containing such particulars as to the population of the district and other matters as they may direct, and the local authority shall comply with the requirement of the Board, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part of this Act as the Board may determine.

Arrangements between the Board and other departments.

98. The Board may make arrangements with any other Government Department for the exercise or performance by that Department of any of their powers and duties under this Act, which, in the opinion of the Board, could more conveniently be so exercised and performed, and in such case the Department and officers of the Department shall have the same powers and duties as are by this Act conferred on the Board and their officers.

Notices, Orders, &c.

Service of notice, &c. on local authority.

99. Any notice, summons, writ or other proceeding at law or otherwise required to be served on a local authority in relation to carrying into effect the objects or purposes of this Act, or any of them, may be served upon the local authority by delivering it to their clerk, or leaving it at his office with some person employed there, or by sending it by post in a registered letter addressed to the local authority, or their clerk, at the office of the local authority.

Orders, notices, &c., by local authority.

100.—(1) An order in writing made by a local authority under this Act shall be under their seal and authenticated by the signature of their clerk or his lawful deputy, or where the local authority have not a seal shall be authenticated by the signature of any two or more members of the local authority and of their clerk or his lawful deputy.

(2) A notice, demand, or other written document proceeding from a local authority under this Act shall be signed by their clerk or his lawful deputy.

Service of notice, &c.

101.—(1) Subject to the foregoing provisions as to the service of notices, summonses, writs and other proceedings at law or otherwise on local authorities, any notice, order, or other document required or authorised to be served under this Act may be served either—

(*a*) by delivering it to the person on whom it is to be served; or

(*b*) by leaving it at the usual or last-known place of abode of that person; or

(*c*) by forwarding it by post in a pre-paid registered letter addressed to that person at his usual or last-known place of abode, or in the case of an incorporated company or registered society addressed to the secretary of the company or

society at the registered or principal office of the company or society; or

(*d*) if addressed to the "owner" or "occupier" of premises, by delivering it to some person on the premises, or if there is no person in the premises on whom it can be so served, then by affixing it to some conspicuous part of the premises.

(2) Subject as aforesaid, any notice, order, or other document which is by this Act required or authorised to be served on the owner or occupier of any premises, may be addressed to the "owner" or "occupier" of the premises (naming them) without further name or description.

Power to prescribe forms and to dispense with advertisements and notices.

102.—(1) The Board may by order prescribe the form of any notice, advertisement, or other document to be used in connection with the powers and duties of a local authority or of the Board under this Act, and the forms so prescribed, or forms as near thereto as circumstances admit, shall be used in all cases to which those forms are applicable.

(2) The Board may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act, if they are satisfied that there is reasonable cause for dispensing with the publication or service.

(3) Any such dispensation may be given by the Board either before or after the time at which the advertisement is required to be published, or the notice is required to be served, and either unconditionally or upon such conditions as to the publication of other advertisements or the service of other notices or otherwise as the Board think fit, due care being taken by the Board to prevent the interests of any person being prejudiced by the dispensation.

Appeals to Sheriff.

Procedure on appeals to sheriff.

103.—(1) The procedure on any appeal to the sheriff under this Act (including expenses) shall be such as the Court of Session may by Act of Sederunt determine.

(2) On any appeal to the sheriff under this Act the sheriff may make such order in the matter as he thinks equitable, and any order so made shall be binding and conclusive on all parties, and, where the appeal is against any notice or order given or made by the local authority,

the notice or order may be confirmed, varied, or quashed, as the sheriff thinks just:

Provided that the sheriff may at any stage of the proceedings on appeal, and shall, if so directed by the Court of Session, state in the form of a special case for the opinion of the court any question of law arising in the course of the appeal.

(3) Any notice or order as respects which an appeal to the sheriff is given under this Act shall not become operative, until either the time within which an appeal can be made under this Act has elapsed without an appeal being made, or, in case an appeal is made, the appeal is determined or abandoned, and no work shall be done or proceedings taken under any such notice or order, until it becomes operative.

(4) The sheriff may, before considering any appeal which may be made to him under this Act, require the appellant to deposit such sum to cover the expenses of the appeal as may be fixed by the Act of Sederunt made by the Court of Session with reference to appeals.

Offences, &c.

Penalty for obstructing the execution of Act.

104. Where any person obstructs the medical officer of health, or any officer of the local authority, or any officer of the Board or any person authorised to enter houses, premises or buildings in pursuance of this Act in the performance of anything which such officer, local authority or person is by this Act required or authorised to do, he shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

Penalty for preventing execution of repairs.

105.—(1) If any person, after notice of the intended action—

(*a*) being the occupier of any premises prevents the owner thereof, or his officers, agents, servants or workmen from carrying into effect with respect to those premises any of the provisions of Part I. of this Act; or

(*b*) being the owner or occupier of any premises prevents the medical officer of health, or any officers, agents, servants, or workmen of such officer or of the local authority from so doing;

the sheriff or any two justices of the peace sitting in open court or any magistrate having jurisdiction in the

place on proof thereof may order that person to permit to be done on the premises all things requisite for carrying into effect such provisions with respect to the premises.

(2) If any such person fails to comply with such an order, he shall for each day during which the failure continues be liable on summary conviction to a fine not exceeding twenty pounds.

Penalty for damage to houses.

106. Any person who wilfully or by culpable negligence damages or suffers to be damaged, any dwelling-house provided for the working classes under this Act, or any enactment repealed by this Act, or any of the fittings or appurtenances of any such house, including the drainage and water supply and any apparatus connected with the drainage or water supply, and the fence of any enclosure, shall be liable on summary conviction to a penalty not exceeding forty shillings, without prejudice to any remedy for the recovery of the amount of the damage.

Prohibition on persons interested voting as members of local authority.

107.—(1) A person shall not vote as member of a local authority or any committee thereof upon any resolution or question which is proposed or arises in pursuance of this Act, if it relates to any house, building, or land in which he is beneficially interested:

Provided that, notwithstanding anything in any enactment, a person shall not, by reason only of the fact that he occupies under any lease or agreement with, or has purchased or agrees to purchase from a local authority a house belonging to the local authority, be disqualified from being nominated, elected, being or continuing a member of the local authority or of any committee thereof.

(2) If any person votes in contravention of this section he shall, on summary conviction, be liable for each offence to a fine not exceeding fifty pounds; but the fact of his giving the vote shall not invalidate any resolution or proceeding of the local authority.

Miscellaneous.

Description of owner in proceedings.

108. Where in any proceedings under Part I. of this Act it is necessary to refer to the owner of any premises it shall be sufficient to designate him as the "owner" thereof without name or further description.

Power of entry.

109. Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local authority or the Board, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises or buildings—

(*a*) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised to purchase compulsorily under this Act; and

(*b*) for the purpose of survey and examination, in the case of any house in respect of which a closing order or an order for demolition has been made; or

(*c*) for the purpose of survey and examination, where it appears to the local authority or Board that survey or examination is necessary in order to determine whether any powers under this Act should be exercised in respect of any house, premises, or building.

Power of heir of entail to sell or feu land for housing purposes.

110. Without prejudice to any powers, whether statutory or otherwise, already enjoyed by an heir of entail in possession of an entailed estate in Scotland to sell or grant feus of any part of such estate, any such heir in possession may, notwithstanding any prohibition or limitation in any deed of entail or in any Act of Parliament, sell or feu to a local authority any part or parts of such estate for any purpose for which a local authority may acquire land under this Act, or to a public utility society or housing trust, for the purpose of the provision of dwelling-houses for the working classes, without its being necessary to obtain the consent of the next heir, and without any restriction as to the extent of ground to be sold or feued, excepting, however, from the provisions of this section, the subjects excepted in section four of the Entail (Scotland) Act, 1914 :

4 & 5 Geo. 5. c. 43.

Provided that—

(i) the price of land so sold shall, in accordance with the provisions of the Entail Acts, be invested for behoof of the heir of entail

in possession and succeeding heirs of entail, and the feuduty shall be received for the same behoof; and

(ii) it shall not be lawful for the heir of entail in possession to take any grassum or valuable consideration other than the feuduty for granting any such feu.

Provisions relating to houses of three rooms or less.

111. It shall not be lawful for any person, without the consent of the local authority, to erect any house intended for human habitation with less accommodation than three apartments, and a local authority shall not give such consent, save in exceptional circumstances, nor shall a local authority or Dean of Guild Court, save in such circumstances, approve of the plans for the erection of such a house :

Provided that the foregoing provision shall not apply to a house for the erection of which the plans had been approved before the nineteenth day of August, nineteen hundred and nineteen.

Exclusion of application of 10 & 11 Geo. 5. c. 17.

112. Nothing in the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, or in the enactments amending that Act, shall be deemed to affect the provisions of Part I. of this Act relating to obtaining possession of a house with respect to which a closing order has been made, or to prevent a local authority from obtaining possession of any house the possession of which is required by them for the purpose of exercising their powers under this Act or under any scheme made under this Act or any enactment repealed by this Act.

Payment of purchase or compensation money on direction of Board.

113.—(1) Any purchase money or compensation payable in pursuance of this Act by a local authority in respect of any lands, right or interest of another local authority which would, but for this section, be paid into bank in manner provided by the Lands Clauses Acts may, if the Board consent, instead of being paid into bank, be paid and applied as the Board determine.

(2) Any such decision of the Board as to the payment and application of any such purchase money or compensation shall be final and conclusive.

Provisions as to medical officers of health.

114.—(1) Every representation made by a medical officer of health in pursuance of this Act shall be in writing.

(2) Anything which under this Act is authorised or required to be done by or to a medical officer of health may be done by or to any person authorised to act temporarily as such medical officer of health.

Exemption from s. 127 of 8 & 9 Vict. c. 19.

115. Section one hundred and twenty-seven of the Lands Clauses Consolidation (Scotland) Act, 1845 (relating to land tax and poor rate), shall not apply in the case of any lands of which a local authority becomes possessed by virtue of this Act or any enactment repealed by this Act.

Provisions with respect to money applicable under trusts for housing purposes.

116.—(1) If in any case it appears to the Board that the institution of legal proceedings is requisite or desirable with respect to any property required to be applied under any trusts for the provision of dwelling-houses available for the working classes or that the expediting of any such legal proceedings is requisite or desirable, the Board may certify the case to the Lord Advocate and the Lord Advocate, if he thinks fit, shall institute any legal proceedings or intervene in any legal proceedings already instituted in such manner as he thinks proper under the circumstances.

(2) Before preparing any scheme with reference to property required to be applied under any trusts for the provision of dwelling-houses available for the working classes, the court or body who are responsible for making the scheme shall communicate with the Board and receive and consider any recommendations made by the Board with reference to the proposed scheme.

Powers of Act to be cumulative.

117. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law or custom, and such other powers may be exercised in the same manner as if this Act had not passed, and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed:

Provided that a local authority shall not, by reason of any local Act relating to a place within its jurisdiction,

be exempted from the performance of any duty or obligation to which such authority are subject under any Part of this Act.

Local authority for purposes of Act.

118. For the purposes of this Act the local authority and the district of the local authority shall respectively be the local authority for the purposes of the Public Health (Scotland) Act, 1897, and the district of that local authority.

Definitions.

119. In this Act, unless the context otherwise requires—

"Building regulations" means any statutory enactments, byelaws, rules, and regulations, or other provisions under whatever authority made, relating to the construction of new buildings and the laying out of and construction of new streets or roads;

"Burgh" has the same meaning as in the Public Health (Scotland) Act, 1897;

"Dwelling-house" includes any yard, garden, outhouses, and pertinents belonging thereto or usually enjoyed therewith;

"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 dwelling-houses for persons the majority of whom are in fact members of the working classes, and to other purposes incidental thereto;

"Land" includes any right over land;

"Owner" includes any person who under the Lands Clauses Acts would be enabled to sell and convey land to the promoters of an undertaking, and for the purposes of Part I. of this Act also includes any lessee of or holder of a heritable security over premises required to be dealt with under that Part of this Act, except any person holding or entitled to the rents and profits of the premises under a lease the original term whereof is less than twenty-one years;

"Public utility society" means a society registered under the Industrial and Provident Societies Acts, 1893 to 1913, or any amendment thereof,

the rules whereof prohibit the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury;

"Street" includes any court, alley, passage, square or row of houses whether a thoroughfare or not;

"The Board" means the Scottish Board of Health.

Repeals.

120.—(1) The enactments mentioned in the Sixth Schedule to this Act are, so far as they apply to Scotland, hereby repealed to the extent specified in the third column of that schedule:

Provided that—

(*a*) nothing in this repeal shall affect any scheme, order, byelaw, rule, regulation or representation made, notice given or charge effected under any enactment hereby repealed, but any such scheme, order, byelaw, rule, regulation, representation, notice and charge shall have effect as if made, given or effected under the corresponding provision of this Act and may be amended, varied, repealed, revoked or enforced accordingly;

(*b*) any document referring to any Act or enactment so repealed shall be construed as referring to this Act or the corresponding enactment in this Act;

(*c*) nothing in this repeal shall affect any appointment of any officer made under or by virtue of any enactment so repealed, but any such officer shall continue in office and shall be deemed to have been appointed under this Act.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

Short title, commencement and extent.

121.—(1) This Act may be cited as the Housing (Scotland) Act, 1925.

(2) This Act shall come into operation on the first day of July, nineteen hundred and twenty-five.

(3) This Act shall extend to Scotland only.

SCHEDULES.

FIRST SCHEDULE.

Sections 16, 37.

RULES AS TO ASSESSMENT OF COMPENSATION.

PART I.

RULES APPLICABLE IN THE CASE OF LANDS INCLUDED IN AN IMPROVEMENT OR RECONSTRUCTION SCHEME ONLY FOR THE PURPOSE OF MAKING THE SCHEME EFFICIENT, AND NOT ON ACCOUNT OF THE SANITARY CONDITION OF THE PREMISES THEREON OR OF THOSE PREMISES BEING DANGEROUS OR PREJUDICIAL TO HEALTH.

1. Evidence shall be receivable by the arbiter to prove that the rental of the premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates, and, if the arbiter is satisfied by such evidence, the compensation shall, so far as it is based on rental, be based on the rental which would have been obtainable if the premises were occupied for legal purposes and only by the number of persons whom the premises were, under all the circumstances of the case, fitted to accommodate without such overcrowding.

2. Evidence shall be receivable by the arbiter to prove that the premises are in a state of defective sanitation or are not in reasonably good repair, and if the arbiter is satisfied by such evidence, the compensation shall be the amount estimated as the value of the premises if they had been put into a sanitary condition or reasonably good repair after deducting the estimated expense of putting them into such condition or repair.

The local authority may tender such evidence as aforesaid before the arbiter, notwithstanding that they have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

3. The arbiter shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other premises of the same owner by the alteration or demolition by the local authority of any buildings.

4. Subject to the foregoing provisions the compensation to be paid shall be assessed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919.

1ST SCH. —*cont.*

PART II.

RULES APPLICABLE IN THE CASE OF THE PURCHASE OF LANDS ON WHICH OBSTRUCTIVE BUILDINGS ARE ERECTED.

1. Evidence shall be receivable by the arbiter to prove that the rental of the premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates, and, if the arbiter is satisfied by such evidence, the compensation shall, so far as it is based on rental, be based on the rental which would have been obtainable if the premises were occupied for legal purposes and only by the number of persons whom the premises were, under all the circumstances of the case, fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates.

2. Evidence shall be receivable by the arbiter to prove that the premises are in a state of defective sanitation or are not in reasonably good repair, and if the arbiter is satisfied by such evidence, the compensation shall be the amount estimated as the value of the premises if they had been put into a sanitary condition or into reasonably good repair after deducting the estimated expense of putting them into such condition or repair.

The local authority may tender such evidence as aforesaid before the arbiter, notwithstanding that they have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

3. The arbiter may, by one award, settle the amount or amounts of compensation payable in respect of all or any of the houses or buildings included in one or more order or orders made by the local authority; but he may, and, if the local authority request him so to do, shall, from time to time make an award respecting a portion only of the disputed cases brought before him.

4. The arbiter shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other premises of the same owner by the demolition of the obstructive building.

5. Subject to the foregoing provisions the compensation to be paid shall be assessed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919.

PART III.

RULES APPLICABLE WHERE OBSTRUCTIVE BUILDINGS ARE PULLED DOWN, THE OWNER RETAINING THE SITE.

1. The estimate of the value of the house or building to be pulled down shall be based on the fair market value as estimated at the time of the valuation being made of the house or building

1ST SCH. —*cont.*

and of the several interests therein, due regard being had to the nature and then condition of the property and the probable duration of the buildings in their existing state and to the state of repair thereof, and rules 1, 2, 3 and 4 of Part II. of this Schedule shall apply.

2. No allowance shall be made by reason of the pulling down being compulsory.

3. Subject to the foregoing provisions the compensation to be paid shall be assessed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and the provisions of that Act, other than section two thereof, shall apply accordingly, notwithstanding that no land is acquired compulsorily.

SECOND SCHEDULE.

PROVISIONS SUBJECT TO WHICH THE LANDS CLAUSES ACTS ARE INCORPORATED IN AN ORDER CONFIRMING AN IMPROVEMENT OR RECONSTRUCTION SCHEME.

1. The legal progress of the title deeds in the case of purchase of an interest in feesimple in land, whether the purchase is compulsory or by agreement, shall commence twenty years previous to the date of service of the notice to treat or of the agreement to sell, as the case may be, unless there has been an absolute conveyance on sale within twenty years, and more than ten years previous to that date, in which case the legal progress of the title deeds shall commence with such conveyance: Provided that the local authority shall not be prevented, if they think fit, from requiring at their own expense any further legal progress or evidence of the title deeds respecting any such lands as aforesaid in addition to the legal progress hereinbefore mentioned.

2. Notwithstanding anything in section ninety of the Lands Clauses Consolidation (Scotland) Act, 1845, the arbiter may determine that such part of any house, building or manufactory as is proposed to be taken by the local authority can be taken without material damage to such house, building or manufactory, and if he so determine may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell and convey to the local authority such part, without the local authority being obliged to purchase the other part or the whole of such house, building or manufactory.

Section 51.

THIRD SCHEDULE.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND BY A LOCAL AUTHORITY FOR THE PURPOSES OF PART III. OF THIS ACT.

1. Where a local authority propose to purchase land compulsorily under this Act, the local authority may submit to the Board an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

2. An order under this Schedule shall be of no force unless and until it is confirmed by the Board, and the Board may confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall, save as otherwise expressly provided by this Schedule, become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

3. The order shall be in the form prescribed by the Board, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the local authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations—

(*a*) the Lands Clauses Acts (except section one hundred and twenty of the Lands Clauses Consolidation (Scotland) Act, 1845), as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919; and

8 & 9 Vict. c. 33.

(*b*) sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845.

4. The order shall be published by the local authority in the manner prescribed by the Board, and such notice shall be given both in the locality in which the land is proposed to be acquired, and to the owners, lessees and occupiers of that land as may be prescribed by the Board.

5. If within such period as may be prescribed by the Board no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order, unless they are of opinion that the land is unsuited for the purpose for which it is proposed to be acquired, but, if such an objection has been presented and has not been withdrawn, the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land and such

3RD SCH. —*cont.*

other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry, and the Board shall before confirming the order duly consider the report of the person by whom the public inquiry is held.

6. In construing for the purposes of this Schedule or any order made thereunder any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

7. The reference to sections seventy-one to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845, shall be construed as a reference to those sections as originally enacted and not as a reference to the provisions which by virtue of the Mines (Working Facilities and Support) Act, 1923, are in certain cases to be substituted for those sections.

13 & 14 Geo. 5. c. 20.

FOURTH SCHEDULE.

Section 71.

PROVISIONS AS TO LOCAL BONDS.

1. Local bonds shall—

(*a*) be secured upon all the rates, property and revenues of the local authority;

(*b*) bear interest at such rate of interest as the Treasury may from time to time fix;

(*c*) be issued in denominations of five, ten, twenty, fifty and one hundred pounds and multiples of hundred pounds;

(*d*) be issued for periods of not less than five years.

2. Local bonds shall be exempt from stamp duty under the Stamp Act, 1891, and no duty shall be chargeable under section eight of the Finance Act, 1899, as amended by section ten of the Finance Act, 1907, in respect of the issue of any such bonds.

54 & 55 Vict. c. 39. 62 & 63 Vict. c. 9. 7 Edw. 7. c. 13.

3. The provisions of section one hundred and fifteen of the Stamp Act, 1891 (which relates to composition for stamp duty), shall, with the necessary adaptations, apply in the case of any local authority by whom local bonds are issued as if these bonds were stock or funded debt of the local authority within the meaning of that section.

4. A local authority shall, in the case of any person who is the registered holder of local bonds issued by that local authority of a nominal amount not exceeding in the aggregate one

4TH SCH. —*cont.*

hundred pounds, pay the interest on the bonds held by that person without deduction of income tax, but any such interest shall be accounted for and charged to income tax under the third case of Schedule D. subject, however, to any provision of the enactments relating to income tax with respect to exemption or abatement.

5. Local bonds issued by a local authority shall be accepted by that local authority at their nominal value in payment of the purchase price of any house erected by or on behalf of any local authority in pursuance of any scheme under this Act.

6. The Board may, with the approval of the Treasury, make regulations with respect to the issue (including terms of issue), transfer and redemption of local bonds and the security therefor, and any such regulations may apply, with or without modifications, any provisions of the Local Loans Act, 1875, and the Acts amending that Act, and of any Act relating to securities issued by any local or public body.

38 & 39 Vict. c. 83.

7. For the purposes of this Schedule, the expression "local authority" includes a county council.

Section 79.

FIFTH SCHEDULE.

PROVISIONS AS TO REHOUSING IN CASE OF DISPLACEMENT OF PERSONS OF THE WORKING CLASSES.

1. If in a district within the meaning of the Public Health (Scotland) Act, 1897, the undertakers have power to take under the enabling Act working-men's dwellings occupied by thirty or more persons belonging to the working class, the undertakers shall not enter on any such dwellings in that district until the Board have either approved of a housing scheme under this Schedule or have decided that such a scheme is not necessary.

For the purposes of this Schedule a house shall be considered a working-man's dwelling if wholly or partially occupied by a person belonging to the working classes, and for the purpose of determining whether a house is a working-man's dwelling or not, and also for determining the number of persons belonging to the working classes by whom any dwellings are occupied, any occupation on or after the fifteenth day of December next before the passing of the enabling Act, or, in the case of land acquired compulsorily under a general Act without the authority of an order, next before the date of the application to the Board under this Schedule, for their approval of or decision with respect to a housing scheme, shall be taken into consideration.

5TH SCH. —*cont*

2. The housing scheme shall make provision for the accommodation of such number of persons of the working class as is, in the opinion of the Board, taking into account all the circumstances, required, but that number shall not exceed the aggregate number of persons of the working class displaced; and in calculating that number the Board shall take into consideration not only the persons of the working class who are occupying the working-men's dwellings which the undertakers have power to take, but also any persons of the working class who, in the opinion of the Board, have been displaced within the previous five years in view of the acquisition of land by the undertakers.

3. Provision may be made by the housing scheme for giving undertakers who are a local authority, or who have not sufficient powers for the purpose, power for the purpose of the scheme to appropriate land or to acquire land, either by agreement or compulsorily under the authority of a Provisional Order, and for giving any local authority power to erect dwellings on land so appropriated or acquired by them, and to sell or dispose of any such dwellings, and to raise money for the purpose of the scheme as for the purposes of Part III. of this Act, and for regulating the application of any money arising from the sale or disposal of the dwellings; and any provisions so made shall have effect as if they had been enacted in an Act of Parliament.

4. The housing scheme shall provide that any lands acquired under that scheme shall, for a period of twenty-five years from the date of the scheme, be appropriated for the purpose of dwellings for persons of the working class, except so far as the Board may dispense with that appropriation; and every such appropriation of lands shall be recorded as a real burden affecting such lands in the appropriate register of sasines and the Board may require the insertion in the scheme of any provisions requiring a certain standard of house to be erected under the scheme, or any conditions to be complied with as to the mode in which the houses are to be erected.

5. If the Board do not hold a local inquiry with reference to a housing scheme, they shall, before approving the scheme, send a copy of the draft scheme to every local authority, and shall consider any representation by any such local authority made within the time fixed by the Board.

6. The Board may, as a condition of their approval of a housing scheme, require that the new dwellings under the scheme, or some part of them, shall be completed and fit for occupation before possession is taken of any working-men's dwellings under the enabling Act.

7. Before approving any scheme the Board may, if they think fit, require the undertakers to give such security as the Board consider proper for carrying the scheme into effect.

8. The Board may hold such inquiries as they think fit for the purpose of their duties under this Schedule, and subsections

5TH SCH. —*cont.*

(1) and (3) (with the substitution of the Board for the Secretary for Scotland) of section ninety-three of the Local Government (Scotland) Act 1889 (which relate to local inquiries), shall apply for the purpose, and where the undertakers are not a local authority shall be applicable as if they were such an authority.

9. If the undertakers enter on any working-men's dwellings in contravention of the provisions of this Schedule, or of any conditions of approval of the housing scheme made by the Board, they shall be liable to a penalty not exceeding five hundred pounds in respect of every such dwelling; and any such penalty shall be recoverable by the Board by action in the Court of Session and shall be carried to and form part of the Consolidated Fund.

10. If the undertakers fail to carry out any provision of the housing scheme, the Board may make such order as they think necessary or proper for the purpose of compelling them to carry out that provision, and any such order may be enforced by order of the Court of Session on the application of the Board.

11. The Board may, on the application of the undertakers, modify any housing scheme which has been approved by them under this Schedule, and any modifications so made shall take effect as part of the scheme.

12. For the purposes of this Schedule—

(*a*) "undertakers" means any authority, company or person who are acquiring land compulsorily or by agreement under any local Act or Provisional Order or order having the effect of an Act, or are acquiring land compulsorily under any general Act;

(*b*) "enabling Act" means any Act of Parliament or Order under which the land is acquired;

(*c*) "local authority" means the local authority for the purposes of the Public Health (Scotland) Act, 1897 in whose district in any case any houses in respect of which the rehousing scheme is made are situated;

(*d*) "dwelling" or "house" means any house or part of a house occupied as a separate dwelling;

(*e*) "working class" includes mechanics, artisans, labourers and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed an average of three pounds a week, and the families of any of such persons who may be residing with them.

SIXTH SCHEDULE.

Section 120.

Session and Chapter.	Short Title.	Extent of Repeal.
44 & 45 Vict. c. 38.	The Public Works Loans Act, 1881.	Section eleven.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.	The whole Act, so far as unrepealed.
57 & 58 Vict. c. 58.	The Local Government (Scotland) Act, 1894.	Subsection (6) of section twenty-four.
57 & 58 Vict. c. 55.	The Housing of the Working Classes Act, 1894.	The whole Act.
63 & 64 Vict. c. 59.	The Housing of the Working Classes Act, 1900.	The whole Act, so far as unrepealed.
3 Edw. 7. c. 39	The Housing of the Working Classes Act, 1903.	The whole Act, so far as unrepealed.
9 Edw. 7. c. 44	The Housing, Town Planning, &c. Act, 1909.	Part I. Part IV., except so far as it relates to town planning. First Schedule (except so far as applied by any enactment other than an enactment repealed by this Act) and Second, Third and Sixth Schedules.
4 & 5 Geo. 5. c. 33.	The Public Works Loans Act, 1914.	Section four.
9 & 10 Geo. 5. c. 60.	The Housing, Town Planning, &c. (Scotland) Act, 1919.	Part I., except sections five, seven, sixteen, twenty, twenty-two, and twenty-three, and section thirty-one, so far as required for the interpretation of the unrepealed provisions of the Act. Sections forty-one, forty-two, forty-four, forty-five and forty-nine. First, Second and Fourth Schedules.

6TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
9 & 10 Geo. 5. c. 57.	The Acquisition of Land (Assessment of Compensation) Act, 1919.	In section seven the words "for the purposes of Part "I. or Part II. of the Housing of the Working Classes "Act, 1890, or" and the words from "and the provisions of the Second "Schedule" to the end of subsection (1).
9 & 10 Geo. 5. c. 99.	The Housing (Additional Powers) Act, 1919.	The whole Act, except sections eight, ten and fifteen and sections eleven and thirteen so far as they relate to the unrepealed provisions of the Act.
10 & 11 Geo. 5. c. 71.	The Housing (Scotland) Act, 1920.	The whole Act, except sections seven and nine, and section eight so far as it amends section ten of the Housing (Additional Powers) Act, 1919.
10 & 11 Geo. 5 c. 76.	The Agriculture Act, 1920.	Section thirty-two.
11 & 12 Geo. 5. c. 33.	The Housing (Scotland) Act, 1921.	The whole Act.
12 & 13 Geo. 5. c. 33.	The Public Works Loans Act, 1922.	Section four.
13 & 14 Geo. 5. c. 24.	The Housing, &c. Act, 1923.	Sections five, seven to thirteen, fifteen, and seventeen. Subsections (1), (2) and (3) (except so far as they relate to the unrepealed provisions of the Act) and subsections (4), (8) to (12), (14), (15) and (17) of section twenty-three. First Schedule. Second Schedule, except so far as it amends section fifty-nine of the Housing, Town Planning, &c. Act, 1909.

6TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	Section twelve and subsection (3) of section sixteen. The Second Schedule so far as it amends section five of the Housing, &c., Act, 1923.

CHAPTER 16.

An Act to consolidate the enactments relating to town planning in England and Wales.

[9th April 1925.]

BE it enacted by the King'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 :—

Town planning schemes.

1.—(1) A town planning scheme may be made in accordance with the provisions of this Act as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connection with the laying out and use of the land, and of any neighbouring lands :

Provided that, where a piece of land already built upon or a piece of land not likely to be used for building purposes is so situate with respect to any land likely to be used for building purposes that the general object of the scheme would be better secured by its inclusion in any town planning scheme made with respect to the last-mentioned land, the scheme may include such piece of land as aforesaid, and may provide for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

(2) Where it appears to the Minister of Health (hereinafter referred to as the Minister) that on account of the special architectural, historic or artistic interest