CHAPTER 40.

An Act to make further and better provision with respect to the clearance or improvement of unhealthy areas, the repair, demolition or closing of insanitary houses and the housing of persons of the working classes in Scotland; to amend the Housing (Scotland) Act, 1925, the Housing, &c., Act, 1923, the Housing (Financial Provisions) Act, 1924, and other enactments relating to housing subsidies; and for purposes connected with the matters aforesaid. [1st August 1930.]

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 WITH RESPECT TO THE CLEARANCE OR IMPROVEMENT OF UNHEALTHY AREAS.

Clearance Areas.

Local authority may declare unhealthy area to be clearance area.

1.—(1) Where a local authority, upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district that—

(i) the dwelling-houses in that area or the greater part of those dwelling-houses are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, injurious or dangerous to the health of the inhabitants of the area; and

(ii) that the most satisfactory method of dealing with the foresaid conditions is the demolition of all the buildings in the area;

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the authority shall cause that area to be defined on a map and shall pass a resolution (in this Act referred to as a "clearance resolution") declaring the area so defined to be a clearance area, that is to say, an area all the buildings in which are to be demolished in accordance with the provisions hereinafter contained:

Provided that—

(*a*) a clearance area shall not include the site of a building unless at least part of the building consists of dwelling houses which are unfit for human habitation or injurious or dangerous to health or of other premises which are injurious or dangerous to health; and

(*b*) before passing a clearance resolution, the authority shall satisfy themselves that accommodation available for the persons of the working classes who will be displaced by the demolition of buildings in the area exists, or can be provided by the authority in advance of the displacements which will from time to time become necessary as the demolition proceeds, and that the resources of the authority are sufficient for the purpose of carrying the resolution into effect.

(2) A local authority shall forthwith transmit to the Department a copy of any resolution passed by them under this section, together with a statement of the number of persons of the working classes who, on a day specified in the statement, being a day within two months immediately preceding the date of the resolution, were ordinarily occupying the buildings comprised in the clearance area.

(3) So soon as may be after a local authority have passed a clearance resolution, but subject always to the provisions of section nine of this Act, they shall proceed to secure the demolition of the buildings in the clearance area in one or other of the following ways, or partly in one of those ways and partly in the other of them, that is to say—

(i) by ordering the demolition of buildings in the area; or

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(ii) by purchasing land (including the buildings thereon) within the area and themselves undertaking, or otherwise securing, the demolition of the buildings.

Clearance orders.

2.—(1) Where as respects any area declared by them to be a clearance area a local authority determine to order any buildings within the area to be demolished, they shall make and submit to the Department, for confirmation by them, an order (in this Act referred to as a "clearance order") ordering the demolition of each of those buildings.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the making, submission and confirmation of clearance orders.

(3) In the case of any building included in a clearance order consisting wholly of dwelling-houses or other premises which are specified in the order as injurious or dangerous to health by reason only of the bad arrangement of the streets, the local authority shall, if required by the owner of the building at any time within three months after the date of the order becoming operative, purchase the building and any land attached thereto, the price payable by the local authority being a sum equal to the compensation which would have been paid by the authority had the said building and land been compulsorily purchased by the authority under a compulsory purchase order under this Part of this Act and had the said building been specified in the order as injurious or dangerous to health.

(4) When a clearance order has become operative, the owner of any building to which the order applies, shall demolish that building before the expiration of three months from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of three months from the date on which it is vacated; and, if the building is not demolished before the expiration of that period, the local authority may enter and demolish the building and sell the materials thereof, and any expenses reasonably and necessarily incurred by the authority under this subsection, after giving credit for

PART I. —*cont.*

any amount realised by the sale of materials, may be recovered by them from the owner of the building in a summary manner, and any surplus in the hands of the authority shall be paid by them to the owner of the building:

Provided that, where the building belongs to more than one owner any sum recoverable or payable by the authority under this subsection shall be recoverable from or payable to the several owners in such proportions as the owners may agree or, failing agreement, as shall be determined by an arbiter nominated by the owners or, failing such nomination, nominated on the application of the authority or any of the owners by the sheriff.

Purchase by local authority of land surrounded by or adjoining clearance area.

3. Where as respects any area declared by them to be a clearance area a local authority determine to purchase any land (including the buildings thereon) comprised in the clearance area, they may purchase also any land (including the buildings thereon) which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions, and any adjoining land (including the buildings thereon) the acquisition of which is reasonably necessary for the satisfactory development or use of the clearance area.

Treatment of clearance area.

4.—(1) A local authority who have under this Part of this Act purchased any land comprised in, or surrounded by or adjoining, a clearance area shall, as soon as may be, cause every building thereon to be vacated and subject to compliance with any provision contained in a compulsory purchase order with respect to the carrying out of re-housing operations, shall deal with the land in one or other of the following ways, or partly in one of those ways and partly in the other of them, that is to say—

(*a*) they shall, so soon as may be, demolish the buildings thereon and thereafter may sell, feu, or let the land subject to such restrictions and conditions, if any, as they think fit, or may, in accordance with the provisions of section forty of the Local Government (Scotland) Act, 1929, appropriate the land for any purpose for which they are authorised to acquire land; or,

19 & 20 Geo. 5. c. 25.

PART I. —*cont.*

(*b*) they shall, so soon as may be, sell, feu, or let the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as they think fit.

(2) Land sold, feued, or leased under this section shall be sold, feued, or leased at the best price or for the best feuduty or rent that can reasonably be obtained having regard to any restriction or condition imposed, and any capital money received in respect of any transaction under this section shall be applied, either in the repayment of debt or for any other purpose for which capital money may be properly applied:

Provided that nothing in this subsection shall preclude a local authority letting any dwelling-houses erected on the land at such rent as they consider reasonable having regard to the class of persons for whom the houses are provided by the authority.

(3) For the purposes of this section, "sale" includes sale in consideration of a ground annual or other similar periodical payment and "sell" has a corresponding meaning.

Power to local authority to purchase cleared land which owners have failed to redevelop.

5.—(1) Where land has been cleared of buildings in accordance with a clearance order made under this Part of this Act the local authority may, at any time after the expiration of eighteen months from the date on which the clearance order became operative, determine to purchase any part of that land which, at the date of the passing of their resolution, has not been or is not in process of being used for building purposes or otherwise developed by the owner thereof.

(2) A local authority shall deal with any land purchased by them under this section by sale, feu, letting, or appropriation, in accordance with the provisions of section four of this Act.

Improvement Areas.

Local authority may declare unhealthy area to be improvement area.

6.—(1) Where a local authority, upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district that the housing conditions in that area are injurious or dangerous to the health of the inhabitants by reason of the disrepair or sanitary defects of

PART I. —*cont.*

dwelling-houses therein and also by reason either of overcrowding in the area or of the bad arrangement of the houses or of the narrowness or bad arrangement of the streets, and that those conditions can be effectively remedied, without the demolition of all the buildings in the area, by taking two or more of the following steps, that is to say—

(i) the execution of works on, or the demolition or closing of, those dwelling-houses which are unfit for human habitation;

(ii) the demolition by the authority after purchase of a building consisting partly of dwelling-houses which are unfit for human habitation and cannot at a reasonable expense be rendered so fit;

(iii) the purchase by the authority of any land which it is expedient for them to acquire for opening out the area and if any buildings on that land have not previously been demolished, the demolition of those buildings so far as it is necessary to demolish them for that purpose; and

(iv) the abatement of overcrowding in the area;

the authority may cause that area to be defined on a map, and may pass a resolution (in this Act referred to as an "improvement resolution") declaring the area so defined to be an improvement area:

Provided that, before passing an improvement resolution, the authority shall satisfy the Department that the size of the area is such that the housing conditions therein can be remedied effectively within a reasonable period and that accommodation available for the persons of the working classes who will be displaced by the steps which the authority propose to take for the improvement of the area exists, or can be provided by the authority in advance of the displacements which will from time to time become necessary as those steps are taken.

(2) An authority who have passed an improvement resolution shall forthwith—

(*a*) publish in one or more newspapers circulating within their district, a notice stating the terms of the resolution and the date on which it was

PART I. —*cont.*

passed, and naming a place at which a copy of the resolution and of the map referred to therein may be seen at all reasonable hours; and

(*b*) transmit a copy of the resolution to the Department, together with an estimate of the number of persons of the working classes whose displacement will be rendered necessary by the steps the authority propose to take for the improvement of the area.

Treatment of improvement area.

7.—(1) A local authority who have passed an improvement resolution shall so soon as may be—

(i) in the case of dwelling-houses which are unfit for human habitation, serve notices under Part II of this Act requiring the execution of all necessary works thereon, or the demolition or closing thereof, and enforce compliance with those notices;

(ii) in so far as the improvement of the area involves the demolition of buildings consisting partly of dwelling-houses which are unfit for human habitation and cannot at a reasonable expense be rendered so fit, proceed to purchase the land including the said buildings thereon and deal with the same in like manner as if such land had been purchased by the authority for the purposes of a clearance area;

(iii) in so far as the improvement of the area involves the purchase of land for opening out the area, proceed to purchase that land; and

(iv) in any case, take all necessary steps to secure the abatement of overcrowding in the area and for that purpose and without prejudice to any other statutory provisions in that behalf make and enforce byelaws satisfactory to the Department for preventing and abating overcrowding in the area and generally for securing the improvement of housing conditions and the subsequent maintenance of a proper standard of housing conditions therein.

(2) An authority who have purchased any land under this section shall deal with that land in accordance with the provisions of section four of this Act, subject,

PART I. —*cont.*

however, to the modification that so far as any land has been acquired for the purpose of opening out the area they shall carry out or secure the carrying out of such demolitions as may be necessary for that purpose.

(3) The byelaws to be made by an authority in pursuance of this section may include, amongst other provisions, provisions for all or any of the purposes for which any local authority may make byelaws in the case of houses used or intended to be used for occupation by the working classes, or of houses let in lodgings or occupied by members of more than one family, and may be made applicable to any house, whether let in lodgings or occupied by members of more than one family or by one family only, and section twenty-four of the Housing (Scotland) Act, 1925 (in this Act referred to as "the principal Act"), which relates to the execution of works by or at the expense of the owner or other person, shall apply thereto. 15 Geo. 5 c. 15.

(4) The declaration of any area to be an improvement area shall not preclude the local authority from exercising any powers which in the absence of such a declaration would have been exercisable by them within that area.

Application in improvement area of Rent and Mortgage Interest (Restrictions) Acts. 13 & 14 Geo. 5. c. 32.

8. Where any action taken by a local authority under section seven of this Act with respect to a dwelling-house in an improvement area results in the tenant of that house or of any part thereof removing therefrom, then, notwithstanding anything in section two of the Rent and Mortgage Interest (Restrictions) Act, 1923, the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, if applicable to that house or part, shall not cease to apply thereto by reason only of the fact that upon such removal the landlord comes into possession of the house or part of the house.

General.

Obligations of local authority with respect to re-housing.

9. A local authority who have passed a clearance resolution or an improvement resolution shall, before taking any action under that resolution which will necessitate the displacement of any persons of the working classes, undertake to carry out such rehousing operations, if any, within such period as the Department may consider to be reasonably necessary.

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Provisions as to purchase of land.

10.—(1) Where a local authority have determined to purchase land under this Part of this Act, they may purchase the land by agreement or they may be authorised to purchase the land compulsorily by means of an order (in this Act referred to as "a compulsory purchase order") made and submitted to the Department and confirmed by them in accordance with the provisions of the Second Schedule to this Act.

(2) An order authorising the compulsory purchase of land comprised in a clearance area, or land comprised in an improvement area (other than land required for opening out the area) shall be submitted to the Department within six months, and an order authorising the compulsory purchase of land surrounded by or adjoining a clearance area or of land required for opening out an improvement area shall be submitted to the Department within twelve months, after the date of the clearance resolution or, as the case may be, the improvement resolution, or within such longer period as the Department may, in the circumstances of the particular case, allow.

(3) Notwithstanding that a building is included in a compulsory purchase order, the local authority may, with consent of the Department, agree with the owner of the building that, instead of their purchasing the building, the owner shall demolish the building and use the land for a purpose approved by the authority, but no such agreement shall be entered into unless the authority and the Department are satisfied that the use to which the land will be put will not prejudice the housing conditions in the clearance or improvement area.

Validity and date of operation of clearance orders and compulsory purchase orders.

11.—(1) The provisions of this section shall have effect with respect to the validity of clearance orders and compulsory purchase orders made under this Part of this Act and the date on which such an order is to come into operation.

(2) So soon as may be after an order has been confirmed by the Department, the local authority shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person

PART I. —*cont.*

who, having given notice to the Department of his objection to the order, appeared at the public local inquiry in support of his objection.

(3) If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act, or any requirement of this Act has not been complied with, he may, within thirty days after the publication of the notice of confirmation, make an application for the purpose to the Court of Session, in the form and under the procedure provided by Act of Sederunt, so, however, that the application shall be dealt with in a summary manner, and where such application is duly made the court—

(i) may by interim order suspend the operation of the order either generally or in so far as it affects any property of the applicant until the final determination of the proceedings; and

(ii) if satisfied, upon the hearing of the application, that the order is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may set aside the order either generally, or in so far as it affects any property of the applicant, or do otherwise as shall appear to the court to be just.

(4) Subject to the provisions of the immediately preceding subsection an order shall not, either before or after its confirmation, be questioned by reduction or interdict or in any legal proceedings whatsoever, and shall become operative at the expiration of thirty days from the date on which notice of its confirmation is published in accordance with subsection (2) of this section.

(5) Except by leave of the Court of Session, no appeal shall lie to the House of Lords from a decision of the Court of Session in proceedings under this section.

(6) So soon as may be after an order has become operative, the local authority shall serve a copy thereof on every person on whom a notice was served by them of their intention to submit the order to the Department for confirmation.

PART I. —*cont.*

Assessment of compensation in respect of land purchased compulsorily and of sanitary premises required to be demolished.

12.—(1) Where land or buildings are purchased compulsorily by a local authority under this Part of this Act, the compensation payable in respect thereof shall be assessed in accordance with the provisions of subsections (2) and (3) of this section.

(2) The compensation to be paid for land, including dwelling-houses or other premises thereon which are specified in a compulsory purchase order as unfit for human habitation or injurious or dangerous to health shall be assessed in accordance with the provisions of subsections (1) and (2) of section thirty-seven of the principal Act subject, as regards the first mentioned of those subsections, to the modifications contained in Part I of the Third Schedule to this Act:

Provided that this subsection shall not apply in the case of dwelling-houses or other premises erected after the passing of this Act which are specified in a compulsory purchase order as injurious or dangerous to health by reason only of the narrowness or bad arrangement of the streets.

(3) In the case of any other land included in a compulsory purchase order, the compensation shall be assessed in accordance with the provisions contained in Part II of the Third Schedule to this Act.

(4) Where any dwelling-house or other premises (not being a dwelling-house or premises specified in a clearance order as unfit for human habitation or injurious or dangerous to health) are required by a local authority to be demolished by the owner in accordance with a clearance order under this Part of this Act, the local authority shall pay to the owner in respect of the demolition by way of compensation a sum representing the difference between—

(i) the sum which would have been payable as compensation under subsection (3) of this section had the said dwelling-house or other premises been acquired by the authority under a compulsory purchase order; and

(ii) the sum which would have been payable as compensation under subsection (2) of this section if the said dwelling-house or premises had been injurious or dangerous to health and had been acquired by the authority under a compulsory purchase order.

PART I. —*cont.*

Subject to the provisions of this subsection the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply, with the necessary modifications, as if the compensation payable under this subsection were compensation in respect of land compulsorily acquired by the local authority. 9 & 10 Geo. 5. c. 57.

Extinction of rights of ways and servitudes.

13.—(1) A local authority may, with the approval of the Department, by order extinguish any public right of way over any land purchased by them under this Part of this Act or provide for the closing or diversion of any street in connection with the development of a clearance or improvement area, but an order made by an authority under this subsection shall be published in the prescribed manner, and if any objection thereto is made to the Department before the expiration of two months from the publication thereof, the Department shall not approve the order until they have caused a public local inquiry to be held into the matter.

(2) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing or maintaining any pipes, sewers, drains, wires or cables on, under or over that land (together with the property in those pipes, sewers, drains, wires or cables) and all other rights or servitudes in or relating to that land shall, except so far as may be otherwise agreed by the local authority and the person entitled to the right or property in question, vest in the local authority, and any person who suffers loss by the vesting of any such right or property as aforesaid, shall be entitled to be paid by the local authority compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919. 9 & 10 Geo. 5. c. 57.

PART II.

PROVISIONS WITH RESPECT TO THE EXECUTION OF WORKS ON OR THE DEMOLITION OR CLOSING OF INSANITARY HOUSES.

Power of local authority to order execution of works on insanitary house.

14.—(1) Where a local authority, upon consideration of an official representation or a report by their sanitary inspector or other information in their possession, are satisfied that any dwelling-house occupied by persons of the working classes is in any respect

PART II. —*cont.*

unfit for human habitation, but is capable at a reasonable expense of being rendered fit for human habitation, they shall serve upon such person as is hereinafter mentioned a notice requiring him, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice and stating that, in the opinion of the authority, those works will render the house fit for human habitation.

(2) A notice under this section shall be served upon the person who for the time being is entitled to receive, or would, if the same were let, be entitled to receive, the rent of the house, including a trustee, tutor, curator, factor or agent, and that person is in this Part of this Act referred to as the person having control of the house.

(3) In determining for the purposes of this Part of this Act whether a dwelling-house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the dwelling-house will have when the works are completed.

Enforcement of notice requiring execution of works.

15.—(1) If a notice under the last preceding section requiring the person having control of a dwelling-house to execute works is not complied with, then after the expiration of the time specified in the notice or, if an appeal has been made against the notice and the sheriff upon that appeal has confirmed the notice with or without variation, after the expiration of twenty-one days from the determination of the appeal, or of such longer period as the sheriff in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice, or by the notice as varied by the sheriff, as the case may be, and in addition the authority may execute any further works which are found to be necessary for the purpose of rendering the house fit for human habitation, but which could not reasonably have been ascertained to be required at the examination prior to the service of the foresaid notice. Any question as to whether further works are necessary or could not have been reasonably ascertained as aforesaid shall be determined by the sheriff whose decision shall be final.

PART II. —*cont.*

(2) Any expenses incurred by the local authority under this section, together with interest, at such rate as the Department may with the approval of the Treasury from time to time by order fix, from the date when a demand for the expenses is served until payment, may, subject as hereinafter provided, be recovered by them in a summary manner or otherwise from the person having control of the dwelling-house or if he receives the rent of the house as trustee, tutor, curator, factor or agent for some other person, then either from him or from that other person, or in part from him and as to the remainder from that other person :

Provided that if the person having control of the dwelling-house proves that he—

(i) is receiving the rent merely as trustee, tutor, curator, factor or agent for some other person; and

(ii) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

(3) The local authority may by order declare any such expenses to be payable by weekly, monthly, half yearly or annual instalments within a period not exceeding thirty years with interest at such rate as the Department may, with the approval of the Treasury, from time to time by order fix, from the date of the service of the 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 any owner or occupier of the dwelling-house, and, if recovered from an occupier, may be deducted by him from the rent of the house.

(4) No action taken under this, or the last preceding, section shall prejudice or affect any other powers of the local authority or any remedy available to the tenant of a dwelling-house against his landlord, either at common law or otherwise.

PART II. —*cont.*

Power of local authority to order demolition or closing of insanitary house.

16.—(1) Where a local authority, upon consideration of an official representation or a report by their sanitary inspector or other information in their possession, are satisfied that any dwelling-house occupied by persons of the working classes is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, they shall serve upon the person having the control of the house and also, upon any other person who is an owner thereof notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future use of the house, which he may wish to submit will be considered by them, and every person upon whom such a notice is served and any other person who is the holder of a heritable security over the house shall be entitled to be heard when the matter is so taken into consideration.

(2) The authority may if, after consultation with any owner or holder of a heritable security, they think fit so to do, accept an undertaking from him, either that he will within a specified period carry out such works as will in the opinion of the authority render the house fit for human habitation, or that it shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking.

(3) If no such undertaking as is mentioned in the last preceding subsection is accepted by the authority or if any such undertaking accepted by them is broken, the authority shall forthwith make a demolition order requiring that the house shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within three months after the expiration of that period or, if the house is not vacated before the expiration of that period, within three months after the date on which it is vacated and shall serve the order upon every person upon whom they would be required by subsection (1) of this section to serve a notice issued by them under that subsection:

Provided that, where the dwelling-house forms only part of a building, then, if the building does not belong wholly to the same owner and does not consist wholly of

PART II. —*cont.*

dwelling-houses which are unfit for human habitation and are not capable at a reasonable expense of being rendered so fit, the authority, instead of making and serving a demolition order, shall make and serve a closing order prohibiting the use of the house for human habitation as from such date as may be specified in the order not being less than twenty-eight days from the date on which the order becomes operative, so, however, that the authority shall at any time, on the application of the owner of the house, determine a closing order so made by them if they are satisfied that the house has been rendered fit for human habitation.

(4) The foregoing provisions of this section with respect to the making of a closing order shall, subject to the necessary modifications, apply in the case of an underground room habitually used as a sleeping place which, by virtue of subsection (1) of section twelve of the principal Act, is to be deemed to be unfit for human habitation.

Substitution of order under s. 16 (3) for notice under s. 14 (1) in certain cases.

17. Where a local authority have served a notice under subsection (1) of section fourteen of this Act requiring the execution of works for the purpose of rendering a dwelling-house fit for human habitation, any person on whom such a notice was served or any other person who is an owner of the house may apply in writing to the local authority to substitute for the notice so served an order under subsection (3) of section sixteen of this Act, and where the local authority are satisfied that it is reasonable to do so, having regard to the estimated cost of the foresaid works, the financial circumstances of the person at whose expense the works would have been carried out and the other circumstances of the case, including the need for housing accommodation in the area, the authority shall serve an order under subsection (3) of the said section sixteen, and such order shall have effect notwithstanding that a notice has not been served with respect to the house under subsection (1) of the said section sixteen:

Provided that a local authority shall not unreasonably refuse to substitute such an order as aforesaid for the notice so served, and if any question arises as to whether any such refusal has been unreasonable the question shall be determined by the sheriff.

PART II. —*cont.*

Power of local authority to acquire building consisting wholly of closed houses.

18.—(1) Where a building consists wholly of dwelling-houses with respect to which closing orders have been made under this Part of this Act or under any enactment repealed by this Act and such orders have not been determined, the Department may, on the application of the local authority, make an order authorising the local authority to acquire the land, including the building thereon, and thereupon, subject to the provisions of this section, this Act shall apply as if the said houses were land authorised to be acquired compulsorily by a compulsory purchase order under Part I of this Act.

(2) The compensation to be paid for houses purchased compulsorily under this section shall be the value at the time when the valuation is made of the site as a cleared site available for development in accordance with the building regulations for the time being in force in the district and of any town planning scheme in operation in the area, and subject as aforesaid shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) Where a local authority acquire land by virtue of this section, the provisions of section four of this Act shall apply as if the land had been acquired in connection with a clearance area.

Procedure where demolition order or closing order made or undertaking given as to use of house.

19.—(1) When a demolition order under this Part of this Act has become operative, the owner of the house to which it applies shall demolish that house within the time limited in that behalf by the order; and, if the house is not demolished within that time, the local authority may enter and demolish the house and sell the materials thereof, and any expenses incurred by them under this subsection, after giving credit for any amount realised by the sale of materials, may be recovered by them from the owner of the house in a summary manner, and any surplus in the hands of the authority shall be paid by them to the owner of the house.

(2) If—

(*a*) any person, knowing that a closing order has become operative and applies to any premises, uses those premises or permits those premises to be used for any purpose unless he shall previously have obtained the consent of

the local authority to the purpose for which the premises are proposed to be used; or

(*b*) any person, knowing that an undertaking has been given under this Part of this Act that any premises shall not be used for human habitation, uses those premises for human habitation or permits them to be so used,

he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day or part of a day on which he so uses them or permits them to be so used after conviction.

(3) Where an undertaking has been given under this Part of this Act that any premises shall not be used for human habitation, nothing in the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, or in any enactment amending those Acts, shall prevent any owner of those premises from obtaining possession thereof.

Appeals.

20.—(1) Subject to the provisions of subsections (1), (2) and (4) of section one hundred and three of the principal Act, (relating to procedure in appeals to the sheriff) any person aggrieved by—

(*a*) a notice under this Part of this Act requiring the execution of works;

(*b*) a demand for the recovery of expenses incurred by a local authority in executing works;

(*c*) an order made by a local authority with respect to any such expenses;

(*d*) a demolition order made under this Part of this Act;

(*e*) a closing order so made or a refusal to determine a closing order;

may appeal to the sheriff by giving notice of appeal within twenty-one days after the date of the service of the notice, demand or order, or after the refusal, as the case may be; and no proceedings shall be taken by the local authority to enforce any notice, demand or order whilst an appeal against it is pending:

Provided that—

(i) on an appeal under paragraph (*b*) or paragraph (*c*) of this subsection, no question shall

PART II. —*cont.*

be raised which might have been raised on an appeal against the original notice requiring the execution of the works; and

(ii) no appeal shall lie under paragraph (*d*) or paragraph (*e*) of this subsection at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement, the unexpired term of which does not exceed six months.

(2) Upon the hearing of an appeal under this section—

(i) the sheriff may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the local authority, and any undertaking so accepted shall have the like effect as if it had been given to and accepted by the authority under this Part of this Act; and

(ii) where the sheriff allows an appeal against a notice requiring the execution of works to a dwelling-house, he shall, if requested by the authority so to do, include in his determination a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense.

(3) Any notice, demand or order against which an appeal might be brought under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days above mentioned and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice, demand or order against which an appeal is brought shall, if and so far as it is confirmed by the sheriff, become operative as from the date of the determination of the appeal.

Power of local authority to acquire and execute works on certain houses.

21.—(1) Where any person has appealed to the sheriff against a notice under this Part of this Act requiring the execution of works to a dwelling-house, and the sheriff in allowing the appeal has found that the house cannot be rendered fit for human habitation at a reasonable expense, the local authority may purchase that house by agreement, or may be authorised to purchase it compulsorily in accordance with the provisions of this section, and, if they purchase the house

PART II. —*cont.*

compulsorily, they shall forthwith execute all such works as were specified in the notice against which the appeal was brought.

(2) A local authority may for the purposes of this section be authorised to purchase a house by a compulsory purchase order made and submitted to the Department within six months after the determination of the appeal and confirmed by them in accordance with the provisions of the Second Schedule to this Act; but if any person being an owner of, or the holder of a heritable security over, the house undertakes to carry out to the satisfaction of the Department, and within such period as the Department may fix, the works specified in the notice against which the appeal was brought, the Department shall not confirm the compulsory purchase order unless that person has failed to fulfil his undertaking.

(3) The compensation to be paid for any house purchased compulsorily under this section shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the district and of any town planning scheme in operation in the area, and subject as aforesaid, shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

PART III.

PROVISION OF HOUSING ACCOMMODATION AND GOVERNMENT ASSISTANCE TOWARDS COST OF HOUSING OPERATIONS.

Duties of local authorities to review housing conditions in their districts and to frame proposals.

22.—(1) It shall be the duty of every local authority to consider the housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation for the working classes and for that purpose to review the information which has been brought to their notice, either as a result of the inspections and surveys carried out under section five of the principal Act or otherwise, and as often as occasion arises, or within three months after notice has been given to them by the Department, to prepare and submit to the Department proposals for the provision of

PART III. —*cont.*

new houses for the working classes, distinguishing those houses which the authority propose to provide for the purpose of rendering accommodation available for persons to be displaced by, or in consequence of, action taken by the authorities under this Act or of action taken under paragraph (*d*) of subsection (1) of section forty-three of the principal Act.

(2) In the year nineteen hundred and thirty, in the year nineteen hundred and thirty-three, and in each fifth succeeding year every local authority shall furnish to the Department, in addition to any proposals submitted by them under the last preceding subsection, a general statement of the measures which they propose to take, in the case of the first statement, during the three next succeeding years and, in the case of every other statement, during the five next succeeding years for dealing with housing conditions in their district and the provision of further housing accommodation.

(3) Section forty-seven of the principal Act (which relates to the duty of a local authority to prepare housing schemes) shall cease to have effect."

Government contributions to expenses of local authorities in providing accommodation available for displaced persons, &c.

23.—(1) The Department shall, subject to the provisions of this Part of this Act and to such conditions as to records, certificates, audit or otherwise as, with the approval of the Treasury, they may determine, make or undertake to make contributions out of moneys provided by Parliament towards any expenses incurred by a local authority in connection with any action taken by them under this Act for dealing with clearance or improvement areas or for the demolition or closing of insanitary houses and in connection with the provision and maintenance of the housing accommodation rendered necessary by any action so taken, or action taken under paragraph (*d*) of subsection (1) of section forty-three of the principal Act.

(2) A contribution under this section shall be payable annually for a period of forty years and shall be the appropriate sum (as hereinafter defined) multiplied by the number of persons of the working classes whose displacement is shown to the satisfaction of the Department to have been rendered necessary by such action of the local authority as is mentioned in the last preceding subsection:

Provided that the number of persons to be taken into account in calculating such contribution shall not exceed the number of persons of the working classes for whom

PART III. —*cont.*

accommodation has, with the approval of the Department, been rendered available by the authority in new houses at a cost approved by the Department.

(3) For the purposes of the last preceding subsection—

The expression " appropriate sum " means—

(*a*) in the case of persons displaced from houses in a rural area, the sum of two pounds fifteen shillings; and

(*b*) in the case of persons displaced from houses in other areas the sum of two pounds ten shillings:

Provided that, if a local authority satisfy the Department that they have purchased by agreement under this Act or have paid compensation under this Act in respect of the demolition or compulsory purchase of dwelling-houses or other premises which are neither unfit for human habitation nor injurious or dangerous to health and which are included in a clearance order or compulsory purchase order by reason only of their forming part of the same buildings as dwelling-houses which are unfit for human habitation or injurious or dangerous to health, the appropriate sum shall, as respects such number of persons as the Department may determine, not exceeding the number of persons displaced from dwelling-houses within the clearance or improvement area in which the said dwelling-houses or other premises are situated (other than dwelling-houses in an improvement area acquired for opening out the area) be increased by such sum not exceeding fifteen shillings as the Department may fix, so however that the sum payable by virtue of this proviso in such a case shall not exceed the annual sum required over a period of forty years to meet one half of the total sum representing—

(i) the compensation paid under subsection (4) of section twelve of this Act in respect of the demolition of such, if any, of the said dwelling-houses or other premises as were included in the clearance order; and

(ii) the purchase price or compensation paid in respect of the acquisition of the remainder of

PART III. —*cont.*

the said dwelling-houses or other premises, under deduction of the sum which, in the opinion of the Department, would have been payable by the authority as compensation in respect of the said dwelling-houses and premises under subsection (2) of section twelve of this Act had the said dwelling-houses and premises been specified in the compulsory purchase order as injurious or dangerous to health.

(4) Save as otherwise provided in the next succeeding subsection, contributions under this section shall not be payable unless the local authority have undertaken that the special conditions mentioned in the next succeeding section will be complied with in relation to the houses provided by them or if contributions are payable in respect of the houses either under the Housing, &c. Act, 1923, or the Housing (Financial Provisions) Act, 1924.

13 & 14 Geo. 5. c. 24.

14 & 15 Geo. 5. c. 35.

(5) Where a local authority satisfy the Department that, having regard to the demand for housing accommodation on the part of single persons, there is need in their district for a hostel for the accommodation of such persons and the authority provide such a hostel in accordance with proposals approved by the Department, the hostel shall, subject to the authority complying with such conditions, if any, as the Department may impose, be deemed to be accommodation in new houses for the purposes of this Part of this Act for such number of persons as the Department may determine, notwithstanding that the special conditions mentioned in the next succeeding section are not complied with in relation to the hostel:

Provided that if any condition imposed by the Department under this subsection is not complied with, the same consequences shall ensue as if that condition had been one of the said special conditions.

(6) Subsection (3) of section one and subsection (5) of section twenty-three of the Housing, &c. Act, 1923, (which enable the Department to make contributions towards the expenses incurred by a local authority in carrying out certain rehousing schemes), shall cease to have effect, but this repeal shall not affect any liability of the Department to pay any contribution which they or the Scottish Board of Health had undertaken before the commencement of this Act to make.

PART III. —*cont.*

(7) Payments on account of contributions under this section shall be made at such times and in such manner as the Treasury may direct.

Special conditions.

24.—(1) The special conditions for compliance with which a local authority are required by the last preceding section to give an undertaking are as follows:—

(*a*) that the houses shall be let for occupation to tenants who intend to reside therein;

(*b*) that it shall be a term of every such let that the tenant shall not assign, sublet, or otherwise part with the possession of the house, or any part thereof, or permit any lodger to occupy any part of the house, except with the consent in writing of the local authority or some person authorised by them in that behalf, and that such consent shall not be given unless it is shown that no payment other than rent has been or is to be received by the tenant in consideration of the assignation, sublet, or other transaction;

(*c*) that the total amount of the rents charged in respect of the houses in any year shall be an amount ascertained by deducting from the estimated average annual expenses towards which contributions are payable by the Department under this Part of this Act calculated by reference to a period of sixty years the annual equivalents calculated in the like manner of—

(i) the contributions payable by the Department towards the expenses, and

(ii) a sum of four pounds ten shillings per house deemed to be provided annually for a period of forty years out of local rates or as respects any particular year such greater or less sum to be deemed to be provided out of rates as the local authority, in the case of a greater sum, may think necessary and as the Department, in the case of a less sum, may, on the application of the authority, approve, due regard being had in either case to the rents which can reasonably be charged to persons of the class for which the houses are provided;

PART III. —*cont.*

(*d*) that no grassum, premium or other like sum shall be taken in addition to the rent;

(*e*) that a fair wages clause, which complies with the requirements of any resolution of the House of Commons for the time being in force with respect to contracts of Government departments, shall be inserted in all contracts for the construction of the houses.

(2) If at any time a local authority sell any house which under this Part of this Act is subject to special conditions or, save by such let as is authorised by those conditions, otherwise dispose of any such house, any contribution which would otherwise have been payable by the Department by reason of the provision of that house shall cease to be payable.

(3) If at any time it is shown to the satisfaction of the Department that any of the special conditions to which a house is subject under this Part of this Act has not been complied with, any contribution payable by reason of the provision of that house may be discontinued, or the amount thereof may be reduced, and the duration thereof may be curtailed, according as the Department thinks proper.

Periodical revision of scale of contribution for the purposes of subsequent rehousing schemes.

25.—(1) In the year one thousand nine hundred and thirty-three, after the first day of October in that year, and in each third succeeding year, after the first day of October in that year, the Department shall take into consideration the expenses which are likely to be incurred in the period of three years from such first day of October in connection with operations in respect of which contributions would be payable under this Part of this Act by the Department, due regard being had to the expenses actually incurred during the period of three years ending on that day for a like purpose, and after consultation with such associations of local authorities as appear to them to be concerned, and with any local authority with whom consultation appears to them to be desirable, may, if they think it expedient so to do, make an order altering the amount of the contributions payable, or the period for which such contributions are to be payable, so far as regards persons in respect of whose displacement accommodation in new houses has not been

rendered available before a date specified in the order, but so, nevertheless, that the amounts and period fixed by the order shall be such as may be approved by the Treasury, and shall not exceed the respective amounts or the period fixed by this Part of this Act, unless Parliament otherwise determines.

An order under this section may make such consequential alterations of the sum and period mentioned in the special condition (*c*) contained in the last preceding section as appear to be necessary for the purpose of adjusting them to any alteration made by the order in the amount or duration of the contributions.

(2) Before any order is made by the Department under this section, a draft of the proposed order shall be laid before the Commons House of Parliament and the order shall not be made unless and until a resolution is passed by that House approving of the draft.

Adjustment of rents.

26.—(1) If it appears to a local authority, who have under this Part of this Act provided in new houses accommodation available for displaced persons, that it is desirable to render alternative accommodation available for some of those persons in other houses belonging to the authority, which, by reason of their situation or for other reasons, are better suited to the requirements of the displaced persons, but that the rents charged by the authority in respect of those other houses (hereafter in this section referred to as "the alternative houses") are higher than the rents which would, but for the provisions of this section, be charged by them in respect of equivalent accommodation in the new houses, the authority may represent the facts to the Department and thereupon the Department, if satisfied that the representation is well founded, may authorise the authority to charge in respect of the alternative houses such rents as they would, but for the provisions of this section, have charged in respect of equivalent accommodation in the new houses.

(2) The following provisions shall have effect where the rents of any alternative houses are reduced in pursuance of this section, that is to say :—

(*a*) For the purposes of the financial provisions of any enactment applicable in the case of the alternative houses, the authority shall be deemed to be charging in respect of those houses the

PART III. —*cont.*

rents which but for the provisions of this section they would have charged in respect of them;

(*b*) For the purposes of condition (*c*) of the special conditions set out in this Part of this Act, the estimated average annual expenses to be taken into account in fixing the rents of the new houses concerned shall be deemed to be increased by an amount equal to the difference between the rents charged by the authority in respect of the alternative houses and the rents which, but for the provisions of this section, they would have charged in respect of them; and

(*c*) The authority shall comply with such directions as may be given by the Department with respect to the making of adjustments in the accounts of their housing undertakings.

PART IV.

GENERAL AND MISCELLANEOUS.

Recovery of possession of buildings subject to clearance, demolition or closing order.

27.—(1) Where a clearance order or a demolition order or a closing order has become operative, the local authority shall serve on the occupier of any building or dwelling-house or any part thereof to which the order relates a notice stating the effect of the order and specifying the date by which it requires the building or house to be vacated and requiring him to remove from the building or house before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later; and if at any time after the date on which the notice requires the building or house to be vacated any person is in occupation of the building or house or of any part thereof, the authority or any owner of the building or house may make summary application for removal and ejection to the sheriff who, after requiring the service of such additional notice, if any, as he thinks fit, may grant warrant for ejection whereby vacant possession of the building or house or of the part thereof shall be given to the authority or owner as the case may be within such period not being less than two weeks nor more than four weeks as he may determine.

(2) Any expenses incurred by a local authority under this section in obtaining possession of any building or house

PART IV. —*cont.*

or part thereof may be recovered by them from the owner of the building or house in a summary manner but a local authority shall not be entitled to recover any expenses under this subsection—

(*a*) in the case of premises included in a clearance order which are not specified therein as being unfit for human habitation or dangerous or injurious to health; or

(*b*) in the case of any other premises unless the owner has failed to make, within a reasonable time a summary application for removal and ejection to the sheriff, or having made such an application has failed to take all steps necessary to have the application disposed of within a reasonable time.

(3) Any person who, knowing that a clearance order or a demolition order has become operative and applies to any building, enters into occupation of that building or of any part thereof after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day, or part of a day, on which the occupation continues after conviction.

Duty of local authority to have regard to amenities of locality, &c.

28. A local authority, in preparing any proposals for the provision of houses or in taking any action under this or the principal Act, shall have regard to the beauty of the landscape or countryside and the other amenities of the locality and the desirability of preserving existing works of architectural, historic, or artistic interest, and shall comply with such directions, if any, in that behalf as may be given to them by the Department.

Power of sheriff to determine lease in certain cases.

29.—(1) Where any premises in respect of which a clearance order or a demolition order made under this Act has become operative form the subject matter of a lease, and the action taken under the order has not had the effect of determining the lease, either the landlord or the tenant or any other person deriving right thereunder may apply to the sheriff within whose jurisdiction the premises are situate for an order determining the lease.

PART IV. —*cont.*

(2) Upon any such application as aforesaid the sheriff, after giving to any sub-tenant or other person whom he considers to be interested in the matter an opportunity of being heard, may, if he thinks fit, order that the lease shall be determined, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation or damages or otherwise) as he may think it just and equitable to impose, regard being had to the respective rights, obligations and liabilities of the parties under the lease and all the other circumstances of the case:

Provided that the sheriff shall not be entitled to order any payment to be made by the landlord to the tenant in respect of the lease of a dwelling-house.

(3) In this section the expression "lease" includes a sub-lease and any tenancy or agreement for a lease or sub-lease and tacit relocation following on a lease.

Power of local authority to make allowances to certain persons displaced.

30. A local authority may pay to any person displaced from any dwelling-house or other building to which a clearance order or a demolition order or a closing order applies or which has been purchased by them under this Act or which is to be demolished by the owner in accordance with an agreement made with the authority under this Act, such reasonable allowance as they think fit towards his expenses in removing; and to any person carrying on any trade or business in any such dwelling-house or other building, they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to remove from the building, and in estimating that loss they may have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

Power of local authority to require information as to ownership of premises.

31. A local authority may, for the purpose of enabling them to serve any notice which they are by this or the principal Act authorised or required to serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his own

PART IV. —*cont.*

interest therein and the name and address of any other person known to him as having an interest therein whether as holder of a heritable security, lessee or otherwise, and any person who, having been required by a local authority in pursuance of this section to give to them any information, fails to give that information or knowingly makes any misstatement in respect thereof shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.

Protection for holders of securities over subjects included in a clearance or compulsory purchase order under Part I.

32.—(1) Before submitting a clearance order or a compulsory purchase order for the purposes of Part I of this Act to the Department for confirmation, the local authority shall require the owner of any premises included in the order to state in writing the name and address of the holder of any heritable security over the premises (other than such a holder in possession) and if any person so required by the local authority to give to them information fails to give that information or knowingly makes any misstatement with reference thereto, he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.

(2) The local authority shall serve on every person whose name and address has been furnished under the immediately preceding subsection a copy of the clearance order or compulsory purchase order as the case may be.

Amendment of provisions as to the calculation of contributions payable to local authorities in respect of certain schemes. 9 & 10 Geo. 5. c. 60.

33.—(1) The provisions of this section shall, as from the sixteenth day of May, nineteen hundred and thirty, have effect with respect to the determination of the amount of any annual payment to be made by the Department to a local authority—

(*a*) under section five of the Housing Town Planning, &c. (Scotland) Act, 1919, and section six (as applied to Scotland by section twenty-three) of the Housing, &c., Act, 1923, by way of contribution towards losses incurred by the authority in carrying out any such scheme as is mentioned in the said section five; or

(*b*) under subsection (3) of section one or subsection (5) of section twenty-three of the Housing, &c., Act, 1923, by way of contribution towards the expenses of such schemes as are mentioned in the said subsections.

PART IV —*cont.*

(2) Notwithstanding anything contained in the said enactments or in the regulations made thereunder, it shall not be necessary that the amount of any annual payment to which this section relates shall be determined on the basis of the estimated annual loss or the estimated average annual loss resulting from the carrying out of the scheme in respect of which the payment is to be made and, accordingly, in the case of contributions under the said sections five, six and twenty-three, amending regulations made under the said sections by the Department with the consent of the Treasury, may provide, and in the case of contributions under said subsection (3) or the said subsection (5), the said subsections shall have effect as if it were therein provided that, for the purposes of the financial year commencing on the said sixteenth day of May and of every subsequent financial year, the amount of any such annual payment may be determined either—

(*a*) on the basis of the actual loss resulting during the year from the carrying out of the scheme; or

(*b*) if it is so agreed between the Department and the local authority, on the basis, in the case of contributions under said sections five, six and twenty-three of the estimated annual loss, and in the case of contributions under said subsection (3) or the said subsection (5), of the estimated average annual loss, resulting from the carrying out of the scheme; or

(*c*) if it is so agreed as aforesaid, on the basis of actual income or expenditure as respects some items required to be brought into account, and on the basis of estimated income or expenditure as respects other such items.

Power of local authorities to make advances in respect of repairs to houses.

34. Subsection (1) of section seventy-five of the principal Act, which empowers a local authority to advance money to persons or bodies of persons constructing or altering, or undertaking to construct or alter, houses, shall extend to empower a local authority to advance money, subject to the provisions of the said section, to persons or bodies of persons carrying out, or undertaking to carry out, repairs to any house in any case where the authority consider that having regard to the cost of

PART IV. —*cont.*

those repairs, or to the financial position of the applicant, it is reasonable to give to him such assistance; and, as regards any house in respect of which an advance is so made, any reference in subsections (2) and (3) of the said section to the alteration of a house shall be construed as including a reference also to the repair of a house.

Amendment of s. 51 of principal Act.

35.—(1) Section fifty-one of the principal Act which provides that a local authority may be authorised to purchase land compulsorily for the purposes of Part III of that Act by means of an order submitted to the Department and confirmed by them in accordance with the Third Schedule to that Act shall have effect as if for the reference therein to the Third Schedule to the principal Act there were substituted a reference to the Second Schedule to this Act and the provisions of section eleven of this Act relating to the validity and date of operation of compulsory purchase orders for the purposes of Part I of this Act shall, with the necessary modifications, apply to compulsory purchase orders for the purposes of Part III of the principal Act.

(2) The proviso to section fifty-one of the principal Act shall have effect as if for the words "forms part of "any park garden or pleasure ground or is otherwise "required for the amenity or convenience of any house" there were substituted the words "forms part of any "park garden or pleasure ground and is required for the "amenity or convenience of any house."

Provisions with respect to official representations.

36.—(1) For the purposes of this or the principal Act the expression "official representation" means, in the case of any local authority, a representation made to that authority by the medical officer of health thereof.

(2) The medical officer of health of a local authority shall make an official representation to the authority whenever he is of opinion that any dwelling-house in their district is unfit for human habitation, or that any area in their district is an area which should be dealt with either as a clearance area or as an improvement area; and if—

(*a*) any four or more local government electors of the district; or

PART IV. —*cont*

(*b*) in the case of a county, the district council of any district within the county; or

(*c*) in the case of a small burgh within the meaning of the Local Government (Scotland) Act, 1929, the medical officer of health of the county;

intimate in writing to the medical officer of health of the authority that any dwelling-house is unfit for human habitation, or that any area should be dealt with either as a clearance area or as an improvement area, it shall be the duty of the medical officer of health of the authority forthwith to inspect that house or that area and to make a report to the local authority, stating the facts of the case and whether, in his opinion, the house is unfit for human habitation, or whether, in his opinion, the area should be dealt with either as a clearance area or as an improvement area; but the absence of any such complaint shall not excuse him from inspecting any dwelling-house or area and making a representation thereon to the local authority.

(3) Before making an official representation (other than such a representation for the purpose of section fourteen or section sixteen of this Act), the medical officer of health of a local authority shall consult with, or obtain a report from, the sanitary inspector of the authority.

(4) A local authority shall so soon as may be take into consideration any official representation which has been made to them.

Power of Department to enforce exercise of powers by local authorities.

37.—(1) In any case where—

(i) a complaint has been made to the Department—

(*a*) as respects any district, by any four or more local government electors of the district, or

(*b*) as respects any county, by the district council of any district within the county,

that the local authority have failed to exercise their powers under this or the principal Act in any case where these powers ought to have been exercised; or

(ii) the Department are of opinion that an investigation should be made as to whether any local authority have failed as aforesaid;

PART IV. —*cont.*

the Department may cause a public local enquiry to be held, and if after the enquiry has been held they are satisfied that there has been such a failure on the part of the local authority, they may make an order declaring the authority to be in default and directing the authority to exercise for the purpose of remedying the default such of their powers, and in such manner and within such time or times, as may be specified in the order.

(2) If a local authority with respect to whom an order has been made under the preceding subsection fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement—

(*a*) the Department may, with the approval of the Lord Advocate, 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; or

(*b*) the Department may make an order rendering exercisable by themselves such of the powers of the local authority under this or the principal Act as may be specified in their order.

Complaint to Department by tenant or occupier with regard to water supply, &c.

38. If the tenant or occupier of a dwelling-house is aggrieved by any decision of a local authority with respect to the provision of a water supply or a water closet or earth closet for the house or the execution of works necessary to render the house fit for human habitation he may, in any case where no appeal to the sheriff has been taken against such decision, complain to the Department who may cause a local inquiry to be held, and if as a result of such inquiry they are of opinion that the local authority have not required the provision of such water supply or water closet or earth closet or the execution of such works as they should have required, the Department may make an order rendering exercisable by themselves such powers of the local authority in the matter as may be specified in their order and any such order may contain such directions as appear necessary with regard to any notice given by the local authority relating to the house.

PART IV. —*cont.*

Provisions as to exercise by Department of powers of a local authority.

39.—(1) The following provisions of this section shall have effect in any case where under this Act the Department have by order rendered exercisable by themselves any powers of a local authority.

(2) Any expenses incurred by the Department in exercising the said powers shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Department shall on demand be paid by the local authority to the Department, and shall be recoverable as a debt due to the Crown.

(3) The payment of any such expenses as aforesaid, so far as the expenses are of a capital nature, shall be a purpose for which a local authority may borrow money in accordance with the provisions of the principal Act relating to borrowing by local authorities.

(4) The Department may by order vest in and transfer to the local authority any property, debts or liabilities acquired or incurred by them in exercising the powers of the local authority, and that property and those debts or liabilities shall vest and attach accordingly.

(5) Where any action taken by the Department has resulted in the provision of houses which, if that action had been taken by the local authority, might have been made subject to special conditions under the Housing (Financial Provisions) Act, 1924, or under Part III of this Act, and an order is made by the Department vesting those houses in the local authority, those houses shall, if the order so directs, be subject to the special conditions specified in the Act under which they were provided, and the Department may, subject as hereinafter provided, make or undertake to make contributions accordingly:

Provided that, notwithstanding anything in any Act or in any order made under any Act, the amount and duration of any such contribution may be reduced by the Department at their discretion.

Power of Department to withhold contributions in event of default.

40. If at any time it is shown to the satisfaction of the Department that a local authority have failed to perform any of their duties under this or the principal Act, then, without prejudice to any other power conferred upon the Department by this Act, they may withhold the

PART IV. —*cont.*

whole or any part of any contribution which they have under this Act undertaken to make to that authority.

Power to vary and revoke orders.

41. Any order made by the Department under this Act may be varied or revoked by a subsequent order made by the Department but without prejudice to the validity of anything previously done under the order; and when any order rendering any powers or duties of a local authority exercisable by the Department is so revoked, the Department may either by the revoking order or by a supplementary order make such provision as appears to them desirable with respect to the transfer vesting and discharge of any property debts or liabilities acquired or incurred by the Department in exercising the powers and duties to which the order so revoked related.

Acceptance of assistance under certain enactments not to disqualify for membership of local authority.

42. Notwithstanding anything in any enactment, a person to whom assistance is given by any local authority under the Housing, &c., 1923, or the Housing (Financial Provisions) Act, 1924, shall not be disqualified for being elected or being a member of the authority or any committee or sub-committee thereof:

Provided that a person shall not vote as a member of a local authority or any committee or sub-committee thereof upon any resolution or question if it relates to the granting to him of any such assistance.

Annual value for valuation and rating of certain dwelling-houses.

43. For the purposes of any enactment relating to valuation or rating, the gross annual value of any dwelling-house in respect of which a contribution out of moneys provided by Parliament is payable under this Act or which is subject to special conditions under the Housing (Financial Provisions) Act, 1924, or which forms part of a rehousing scheme towards the expenses of which such a contribution is payable under subsection (3) of section one or subsection (5) of section twenty-three of the Housing, &c., Act, 1923, shall not exceed the rent (exclusive of occupiers rates) charged in respect of that house:

Provided that the provisions of this section shall not apply to any dwelling-house forming part of such a rehousing scheme as aforesaid and included in the valuation roll for the year ending on the fifteenth day of May, nineteen hundred and thirty.

PART IV. —*cont.*

Power to prescribe forms, &c.

44. The Department may by regulations prescribe anything which by this Act or the principal Act is to be prescribed and the form of any notice, advertisement, statement or other document which is required or authorised to be used under or for the purposes of this or the principal 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.

Regulations to be laid before Parliament.

45. All regulations made by the Department under this Part of this Act shall, so soon as may be after they are made, be laid before each House of Parliament, and, if either House of Parliament, within the next subsequent twenty-one days on which that House has sat after any such regulations have been laid before it, resolves that the regulations shall be annulled, the regulations shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

Definition of "rural area" for purposes of housing subsidies.

46.—(1) In this Act the expression "rural area" shall have the same meaning as in the Housing (Financial Provisions) Act, 1924, as amended by this Act.

(2) In the definition of "rural area" in subsection (2) of section sixteen of the Housing (Financial Provisions) Act, 1924, references to the value of agricultural land and to total valuation shall be construed as references to the gross annual value of agricultural lands and heritages and to total gross annual valuation, and in this subsection the expression "agricultural lands and heritages" shall not include woodlands, but save as aforesaid shall have the same meaning as in the Rating and Valuation (Apportionment) Act, 1928, as that Act applies to Scotland.

18 & 19 Geo. 5. c. 44.

Crown rights.

47. Nothing in this Act shall affect prejudicially any estate, right, power, privilege, or exemption of the Crown, or authorise the use of or interference with any land (including tidal lands below high-water mark of ordinary spring tides) belonging to His Majesty in right of his Crown or to any Government Department, without the consent of His Majesty or the Government Department as the case may be.

Works below high-water mark.

48. Nothing in this Act shall authorise the execution of any works on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance

with such plans and sections, and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade. PART IV. —*cont.*

Interpretation.

49.—(1) For the purposes of this Act and of the principal Act, unless the context otherwise requires—

the expression "Department" means the Department of Health for Scotland;

the expression "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

the expression "sanitary defects" includes lack of air space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or of sanitary arrangements or of other conveniences and inadequate paving or drainage of courts, yards or passages.

(2) In determining for the purposes of this Act whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of the provisions of any building regulations in operation in the district, or of the general standard of housing accommodation for the working classes in the district.

(3) In this Act any reference to the demolition of a building shall be deemed to include a reference to such reconstruction of the building as the Department may approve, and where a building is so reconstructed any reference to selling, feuing, letting or appropriating the land, the building on which has been or will be demolished, shall, unless the context otherwise requires, be construed as a reference to selling, feuing, letting or appropriating the land and the reconstructed building.

Amendments of principal Act, &c.

50.—(1) The principal Act shall have effect as if the provisions of this Act with respect to the execution of works on or the closing or demolition of insanitary houses and the acquisition of buildings consisting wholly of closed houses and the provisions thereof with respect to the clearance or improvement of unhealthy areas were inserted in Parts I and II respectively of the

PART IV. —*cont.*

principal Act in substitution for the provisions therein contained with respect to the power of a local authority to repair houses, to make closing and demolition orders, to acquire closed houses and to remove obstructive buildings, and for the provisions therein contained with respect to the making, confirmation and execution of improvement schemes and reconstruction schemes.

(2) The amendments specified in the second column of the Fourth Schedule to this Act (which relate to minor and consequential details) shall be made in the sections of the principal Act specified in the first column of that Schedule.

(3) The amendments specified in the second column of the Fifth Schedule to this Act (being amendments consequential on the Local Government (Scotland) Act, 1929) shall be made in the sections of the Housing, &c., Act, 1923, the Housing (Financial Provisions) Act, 1924, and the principal Act specified in the first column of that Schedule.

(4) In provisions of the principal Act relating to offences (other than subsection (2) of section one hundred and seven) for the words "on summary conviction," wherever they occur, there shall be substituted the words "on conviction by a court of summary jurisdiction."

Repeals.

51.—(1) The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, where before the commencement of this Act any notice requiring the execution of works has been served, or any demand for or order relating to the expenses of executing works or any closing order or demolition order has been made, or any improvement scheme or reconstruction scheme has been confirmed by the Department or has been submitted to the Department for confirmation, the like proceedings (including proceedings for the modification of a confirmed scheme) may be taken with respect thereto and the like consequences shall ensue as might have been taken or would have ensued if this Act had not been passed.

(2) The mention of particular matters in the proviso to the preceding subsection 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.

PART IV. —*cont.*

52 & 53 Vict. c. 63.

Short title, construction and extent.

52.—(1) This Act may be cited as the Housing (Scotland) Act, 1930, and shall be construed as one with the principal Act, and that Act and this Act may be cited together as the Housing (Scotland) Acts, 1925 and 1930.

(2) Unless anything in the context otherwise requires, any reference in this Act, or in any Act passed before this Act, to the principal Act shall be construed as a reference to the principal Act as amended by this Act; and any reference in this Act, or in any Act (including the principal Act) passed before this Act, to any Part of the principal Act, or to any enactment therein contained, shall be construed as a reference to that Part or that enactment as amended by this Act.

(3) This Act shall apply to Scotland only.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

CLEARANCE ORDERS.

1. A clearance order shall be in the prescribed form and shall describe by reference to a map the area to which it applies, and shall fix by reference to the date of its coming into operation the period, not being less than twenty-eight days from that date, within which the local authority require the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

2. A clearance order shall show separately in the prescribed manner—

(*a*) the dwelling-houses which are unfit for human habitation or injurious or dangerous to health and the other premises, if any, which are injurious or dangerous to health other than those to which sub-paragraph (*b*) hereof applies;

1ST SCH. —*cont.*

(*b*) the dwelling-houses and other premises which are injurious or dangerous to health by reason only of the narrowness or bad arrangement of the streets; and

(*c*) all other dwelling-houses and premises included in the order.

3. Before submitting the order to the Department the local authority shall—

(*a*) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(*b*) serve a notice in the prescribed form on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any building to which the order applies and also on every holder of a heritable security in possession of any such building or any part thereof, stating the effect of the order and that it is about to be submitted to the Department for confirmation, and specifying the time within and the manner in which objections thereto can be made.

4. So soon as may be after the required notices have been given, the local authority shall submit the order to the Department for confirmation.

5. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Department may, if they think fit, confirm the order with or without modification; but in any other case they shall, before confirming the order, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order, either with or without modification:

Provided that—

(i) the order as confirmed by the Department shall not apply to any building to which the order would not have applied if it had been confirmed without modification;

(ii) if the Department are of opinion that any building included in the order ought not to have been so included but should be included in a compulsory purchase order relating to the clearance area, they may modify the clearance order by excluding therefrom such building and authorise the local authority

1ST SCH. —*cont.*

to make and submit to the Department for confirmation in accordance with the provisions of Part I of this Act a compulsory purchase order with respect to such building;

(iii) before confirming the order the Department shall send to the local authority and to every person who, having given notice to the Department of his objection to the order, appeared at the public local inquiry in support of his objection, a copy of the order as proposed to be confirmed, with an intimation that any representations in writing with respect thereto may be made to the Department within fourteen days after the date on which a copy has been sent, and before confirming the order the Department shall consider any such representations received.

SECOND SCHEDULE.

Sections 10, 21 & 35.

COMPULSORY PURCHASE ORDERS.

PART I.

PROVISIONS APPLICABLE IN THE CASE OF COMPULSORY PURCHASE ORDERS MADE FOR THE PURPOSES OF THIS ACT AND, SUBJECT TO THE MODIFICATIONS CONTAINED IN PART II OF THIS SCHEDULE, IN THE CASE OF SUCH ORDERS MADE FOR THE PURPOSES OF PART III OF THE PRINCIPAL ACT.

1. A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it will apply, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

(*a*) the Lands Clauses Acts (except sections one hundred and twenty to one hundred and twenty-five of the Lands Clauses Consolidation (Scotland) Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) section seventy of the Railways Clauses Consolidation (Scotland) Act, 1845, and sections seventy-one to seventy-eight of that Act as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923.

2ND SCH. —*cont.*

2. The modifications, subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows :—

(i) The compensation shall be assessed in accordance with such of the provisions of this Act relating to the assessment of compensation in respect of land purchased compulsorily as are applicable to the particular case;

(ii) 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 the house, building or manufactory, and, if he so determines, 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 that part of the house, building or manufactory; and

(iii) The arbiter shall not take into account any building erected, or any improvement or alteration made, or any interest in land created after the date of the publication of the compulsory purchase order if, in the opinion of the arbiter, the erection of the building, or the making of the improvement or alteration, or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation.

3. The order shall show separately in the prescribed manner—

(*a*) the dwelling-houses in the clearance or improvement area which are unfit for human habitation or are injurious or dangerous to health and the other premises, if any, in the area which are injurious or dangerous to health other than those to which sub-paragraph (*b*) hereof applies;

(*b*) the dwelling-houses or other premises, if any, in the clearance or improvement area erected after the passing of this Act which are injurious or dangerous to health by reason only of the narrowness or bad arrangement of the streets;

(*c*) the other land and buildings, if any, in the clearance or improvement area; and

(*d*) in the case of an order in connection with a clearance area—

(i) the land and buildings, if any, proposed to be purchased outside the area; and

2ND SCH. —*cont.*

(ii) the parts, if any, of the area which are to be appropriated for the rehousing of persons of the working classes.

4. Before submitting the order to the Department the local authority shall—

(*a*) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(*b*) serve a notice in the prescribed form on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land or buildings to which the order applies and also on every holder of a heritable security in possession of any such land or buildings, stating the effect of the order and that it is about to be submitted to the Department for confirmation, and specifying the time within and the manner in which objections thereto can be made.

5. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Department may, if they think fit, confirm the order with or without modification, but in any other case they shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification:

Provided that—

(i) the order as confirmed by the Department shall not authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification;

(ii) the order as confirmed by the Department shall not require the authority to appropriate for the rehousing of persons of the working classes any land which the order would not have required them so to appropriate if it had been confirmed without modification;

(iii) if the Department are of opinion that any land included by a local authority in a clearance area ought not to have been so included they shall on confirming the order so modify it as to exclude that land for all purposes from the clearance area;

2ND SCH. —*cont.*

(iv) before confirming the order the Department shall send to the local authority and to every person who, having given notice to the Department of his objection to the order, appeared at the public local inquiry in support of his objection, a copy of the order as proposed to be confirmed, with an intimation that any representations in writing with respect thereto may be made to the Department within fourteen days after the date on which a copy has been sent, and before confirming the order the Department shall consider any such representations received.

6. In construing, for the purpose of this Schedule or any order made thereunder, any enactment incorporated in 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.

PART II.

MODIFICATIONS APPLICABLE IN THE CASE OF COMPULSORY PURCHASE ORDERS MADE FOR THE PURPOSES OF PART III OF THE PRINCIPAL ACT.

1. The provisions in Part I of this Schedule shall apply to the making, submission and confirmation of compulsory purchase orders made for the purposes of Part III of the principal Act subject to the following modifications, that is to say—sub-paragraphs (i) and (ii) of paragraph 2, paragraph 3, and provisos (ii) and (iii) to paragraph 5 shall not apply.

Section 12.

THIRD SCHEDULE.

PART I.

MODIFICATIONS TO BE MADE IN SUBSECTION (1) OF SECTION THIRTY-SEVEN OF THE PRINCIPAL ACT FOR THE PURPOSES OF ITS APPLICATION TO THE ASSESSMENT OF COMPENSATION UNDER THIS ACT IN THE CASE OF LAND, INCLUDING DWELLING-HOUSES OR OTHER PREMISES THEREON SPECIFIED IN A COMPULSORY PURCHASE ORDER AS UNFIT FOR HUMAN HABITATION OR INJURIOUS OR DANGEROUS TO HEALTH.

Subsection (1) of section thirty-seven of the principal Act shall be modified in the following manner:—

For the words from the beginning of the subsection to the words "dangerous or prejudicial to health," where those

3RD SCH. —*cont.*

words secondly occur, there shall be substituted the words "The compensation to be paid for land, including dwelling-houses or other premises thereon which are specified in a compulsory purchase order as unfit for human habitation or injurious or dangerous to health."

In the proviso for the words from "if in the opinion of the Board" to "dangerous or prejudicial to health" there shall be substituted the words "if under the provisions of the compulsory purchase order as confirmed by the Department any land comprised in a clearance or improvement area is to be appropriated for the rehousing of persons of the working classes the compensation which would otherwise be payable to all persons interested in any land, including dwelling-houses or other premises thereon specified as aforesaid as unfit for human habitation or injurious or dangerous to health."

In sub-paragraph (*a*) for the words "the value of the whole of the land included in the scheme" there shall be substituted the words "the value, in the case of a clearance area, of the whole of the land comprised in the area, and in the case of an improvement area, of that part of the land comprised in the area forming the site of buildings to be demolished other than buildings on land acquired for the purpose of opening out the area."

In sub-paragraph (*b*) the words "the whole of" and the words "or the laying out of open spaces" shall be omitted and for the words "the requirements of the scheme" there shall be substituted the words "the requirements of the compulsory purchase order."

PART II.

RULES AS TO ASSESSMENT OF COMPENSATION APPLICABLE IN THE CASE OF PURCHASE OF LAND (OTHER THAN LAND TO WHICH SUBSECTION (2) OF SECTION TWELVE OF THIS ACT APPLIES).

1. If the arbiter is satisfied with respect to any premises that the rental thereof was enhanced by reason of their being used for illegal purposes or being so overcrowded as to be injurious or dangerous to the health of the inmates, 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.

3RD SCH. —*cont.*

2. If the arbiter is satisfied that any premises are in a state of defective sanitation or are not in reasonably good repair, the compensation shall be the estimated value of the premises if put into a sanitary condition or reasonably good repair less the estimated expense of putting them into such condition or repair.

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

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 by the local authority of any buildings.

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

Section 50.

FOURTH SCHEDULE.

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE PRINCIPAL ACT.

The Housing (Scotland) Act, 1925.

Section 12 - In subsection (1) the words "so dangerous "or injurious to health as to be" shall be omitted.

Section 13 - In subsection (1) the words "in a state so "dangerous or injurious to health as to be" shall be omitted.

Section 21 - In subsection (1) for the words "by an order," there shall be substituted the words "by a notice."

Section 23 - In subsection (2) after the words "in respect "of which" there shall be inserted the words "a notice requiring the execution of works has been served or"; and the words "or in claiming to retain any site" and the words "or to claim to retain the site" shall be omitted.

4TH SCH. —*cont.*

The Housing (Scotland) Act, 1925.		
Section 24	-	In subsection (3) for the words "the provisions of section three of this Act with respect to the execution of works" there shall be substituted the words "the provisions of this Part of this Act with respect to the enforcement of notices requiring the execution of works."
Section 25	-	After the words "an order is made" there shall be inserted the words "or a notice requiring the execution of works is served" and after the words "any such order" there shall be inserted the words "or notice."
Section 32	-	In subsection (1) for the words "any person whose lands were proposed by the scheme to be taken compulsorily," there shall be substituted the words "any owner or lessee of any lands included in a clearance order or a compulsory purchase order or any holder of a heritable security over such lands," and for the word "scheme" there shall be substituted the words "such clearance order or compulsory purchase order," and in subsection (2) for the words "any order under the last foregoing section," there shall be substituted the words "any clearance order or compulsory purchase order."
Section 49	-	For the words "Where any such scheme is being carried into effect" there shall be substituted the words "Where any housing operations under this Part of this Act are being carried out"; for the words "of the scheme" there shall be substituted the words "of the operations"; and for the words "the scheme is" there shall be substituted the words "the operations are."
Section 59	-	In paragraph (*d*) after the word "house" there shall be inserted the words "or any apartment thereof."
Section 60	-	At the end of the section there shall be added the words "or any apartment thereof."
Section 66	-	In subsection (1) the words "Parts I, II and III of" shall be omitted.

4TH SCH. —*cont.*

The Housing (Scotland) Act, 1925.

Section 68 - In subsection (1) the words from "so far as it relates" to "obstructive buildings" shall be omitted.

Section 70 - In subsection (1) for the words "Where a "housing scheme approved under Part "III of this Act is being carried into "effect," there shall be substituted the words "Where housing operations under "Part III of this Act are being carried "out" and for the words "the scheme," wherever those words occur, there shall be substituted the words "the operations."

In subsection (2) for the words "a scheme is "being carried out" there shall be substituted the words "operations are being "carried out."

Section 76 - For the words "Where a housing scheme "approved under Part III of this Act is "being carried into effect," there shall be substituted the words "Where housing "operations under Part III of this Act "are being carried out"; for the words "the scheme is being carried out" there shall be substituted the words "the "operations are being carried out"; and for the words "the carrying out of the "scheme" there shall be substituted the words "the carrying out of the operations."

Section 79 - After the words "an Act" there shall be inserted the words "not being an order made "under this Act."

Section 80 - In subsection (1) for the words "a housing "scheme" there shall be substituted the words "housing operations"; and for the words "in pursuance of the scheme" there shall be substituted the words "in connec- "tion with the operations."

In subsections (2) and (3) for the words "a housing scheme," wherever those words occur, there shall be substituted the words "housing operations."

In subsection (4) for the words "housing "schemes" there shall be substituted the words "housing operations"; for the words "schemes made," where those words first occur, there shall be substituted the

4TH SCH. —*cont.*

The Housing (Scotland) Act, 1925.		
Section 80—*cont.*		words "housing operations carried out"; after the words "this Act or" there shall be inserted the words "housing operations "carried out"; and for the words "schemes made or carried into execution" there shall be substituted the words "housing operations carried out."
Section 86	-	The words "scheme or," wherever those words occur, shall be omitted.
Section 87	-	In subsection (1) for the words "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," there shall be substituted the words "any land proposed to be acquired "or appropriated under this Act"; the words "before preparing the scheme or "order or acquiring the land," and the words "confirming the scheme or order or" shall be omitted; and after the word "acquisition" there shall be inserted the words "or appropriation."
Section 89	-	In subsection (1) for the words "confirming a "scheme" there shall be substituted the words "made and confirmed" and for the words "of the scheme" there shall be substituted the words "of Part II."
		In paragraph (*a*) of subsection (2) the words "a scheme under" shall be omitted.
Section 90	-	In subsection (1) the words "or under any "scheme made in pursuance of this Act" shall be omitted.
Section 103	-	In the proviso to subsection (2) for the words "special case" there shall be substituted the words "stated case."
Section 105	-	In paragraph (*a*) of subsection (1) after the word "owner" there shall be inserted the words "or other person having control."
Section 109	-	In paragraph (*b*) for the words "in respect of "which a closing order or an order for "demolition has been made," there shall be substituted the words "in respect of "which a notice requiring the execution "of works has been served or a clearance "order, demolition order or closing order "has been made."

4TH SCH. —*cont.*

The Housing (Scotland) Act, 1925.

Section 112 - The words "Part I of" shall be omitted; after the words "with respect to which" there shall be inserted the words "a "clearance order, a demolition order, or"; and for the words "under this Act or under "any scheme made under this Act or any "enactment repealed by this Act" there shall be substituted the words "under any "enactment relating to the housing of the "working classes or to prevent possession "being obtained of a house for the purpose "of securing compliance with any "byelaws made for the prevention of "overcrowding."

Section 50.

FIFTH SCHEDULE.

AMENDMENTS OF THE HOUSING, &C., ACT, 1923, THE HOUSING (FINANCIAL PROVISIONS) ACT, 1924, AND THE HOUSING (SCOTLAND) ACT, 1925, CONSEQUENTIAL ON THE PROVISIONS OF THE LOCAL GOVERNMENT (SCOTLAND) ACT, 1929.

The Housing, &c. Act, 1923.

Section 23 - In subsection (6) for the words "district "board of control," where they first occur, there shall be substituted the words "county "or town council" and for the words "county council or district board of control "as the case may be" there shall be substituted the word "council."

The Housing (Financial Provisions) Act, 1924.

Section 16 - In subsection (2) for the words "district "board of control" there shall be substituted the words "county or town council."

5TH SCH. —*cont.*

The Housing (Scotland) Act, 1925.

Section 45 - In subsection (3) the words " with the consent " of the Board " shall be omitted.

Section 57 - The words " or a county council " and " or " county council " wherever they occur shall be omitted.

Section 66 - Subsection (2) shall be omitted.

Section 67 - The whole section shall be omitted.

Section 68 - In subsection (1) the words " with the consent " of the Board " shall be omitted.

For subsection (2) there shall be substituted the following subsection :—

" (2) Money so borrowed by a local authority shall be borrowed in accordance with the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, and shall be wholly repaid within such period not exceeding eighty years as the Department may determine."

In subsection (3) the words " when acting in " their capacity of local authority under " this Act " shall be omitted.

Section 69 - Subsections (1) and (3) shall be omitted.

In subsection (2) the words " or a district " committee " and the words " or for any " of the purposes of section seventy-five of " this Act " wherever they occur shall be omitted, and for the words " the said section " sixty-seven " there shall be substituted the words " section sixty-seven of the Local " Government (Scotland) Act, 1889."

Section 70 - In subsection (1) the words " subject to the " approval of the Board " shall be omitted and for the words " on the security of such " assessment as the Board may designate " for the purpose " there shall be substituted the words " in accordance with the pro- " visions of section twenty-three of the " Local Government (Scotland) Act, 1929."

In subsection (2) the words " with the approval " of the Board " shall be omitted.

Section 71 - The words " or a county council," " or county councils," " or county council," " or councils," " with the consent of the Board " and " without the consent of the Board," wherever they occur, shall be omitted.

5TH SCH. —*cont.*

The Housing (Scotland) Act, 1925.

Section 72 - In subsection (1) the words " or county council " wherever they occur shall be omitted.

Section 75 - The words " or a county council " and " or county council," wherever they occur, shall be omitted.

Section 76 - The words " subject to the approval of the " Board " shall be omitted.

Section 80 - In subsection (4) for the words " district board " of control " there shall be substituted " by " a county or town council as local " authority under the Lunacy (Scotland) " Acts, 1857 to 1919."

Section 118 - For the section there shall be substituted the following section :—

" 118. For the purposes of this Act the local authority shall be—

(*a*) in the case of a burgh, the town council, and

(*b*) in the case of a county, the county council;

and the district of the local authority shall be the burgh or the county (excluding all burghs therein) as the case may be."

Fourth Sched. Paragraph 7 shall be omitted.

Fifth Sched. - In paragraph 1 for the words " the Public " Health (Scotland) Act, 1897 " there shall be substituted the words " this Act."

In the definition of " local authority " in paragraph 12 for the words " the Public Health " (Scotland) Act, 1897 " there shall be substituted the words " this Act."

SIXTH SCHEDULE.

Section 51.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
13 & 14 Geo. 5. c. 24.	The Housing, &c., Act, 1923.	Subsection (3) of section one, and subsection (5) of section twenty-three.
15 Geo. 5. c. 15	The Housing (Scotland) Act, 1925.	Sections three, four, and six to eleven, subsections (2) and (3) of section twelve; sections fourteen to nineteen; subsection (3) of section twenty-three; sections twenty-six to thirty-one; sections thirty-three to thirty-six; subsection (3) of section thirty-seven; sections thirty-eight to forty-two; forty-seven and forty-eight; and sixty-one and sixty-two; subsection (1) of section one hundred and two; in section one hundred and nineteen the definition of owner; and Schedules I. and II.
20 Geo. 5. c. 6	The Housing (Revision of Contributions) Act, 1929.	Paragraph (*c*) of Article 5 of Part I. of the Schedule.

CHAPTER 41.

An Act to provide for the payment of travelling expenses incurred by members of local fisheries committees constituted under the Sea Fisheries Regulation Act, 1888. [1st August 1930.]

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