7TH SCH. —*cont.*

PART III.

ENACTMENT REPEALED AS FROM THE APPOINTED DAY.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 14.	The Housing Act, 1925.	In section six, in subsection (1), paragraph (*a*).

CHAPTER 41.

An Act to make further and better provision for the prevention of overcrowding in Scotland, the re-development of areas in connection with the provision of housing accommodation, and the re-conditioning of buildings, to make provision for the establishment in Scotland of a housing advisory committee and of commissions for the management of local authorities' houses, to amend the enactments relating to the housing operations of public utility societies and other bodies, to provide for the consolidation of housing accounts and subsidies, and to amend the enactments relating to housing in Scotland; and for purposes connected with the matters aforesaid. [2nd August 1935.]

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.

OVERCROWDING, RE-DEVELOPMENT AND RE-CONDITIONING.

Prevention of overcrowding.

Duty of local authority to inspect

1.—(1) It shall be the duty of every local authority before such dates as the Department may, after consultation with the authority, fix as respects their district,

PART I. —*cont.*

and to make reports and proposals as to overcrowding.

to cause an inspection thereof to be made with a view to ascertaining what dwelling-houses therein are overcrowded, and to prepare and submit to the Department a report showing in such detail as the Department may direct the result of the inspection and the additional housing accommodation required in order to put an end to overcrowding in their district, and, unless they satisfy the Department that the additional accommodation required, in so far as it is required for persons of the working classes, will be otherwise provided, to prepare and submit to the Department proposals for the provision thereof.

(2) If at any time or times after effect has been given by a local authority to the provisions of the foregoing subsection it appears to them that occasion has arisen therefor, or the Department so direct, it shall be the duty of the authority to cause a further inspection to be made and to prepare and submit a report and proposals as aforesaid as respects their district or any part thereof, and, where the Department give a direction under this subsection, they may fix dates before which the performance of the said duties is to be completed.

(3) Any proposals under this section for the provision of additional housing accommodation shall be accompanied by a statement of the steps which the local authority propose to take to secure that the rehousing of families living under the worst conditions as regards overcrowding or otherwise living under unsatisfactory housing conditions is provided for first.

Definition of overcrowding.

2.—(1) A dwelling-house shall be deemed for the purposes of this Act to be overcrowded at any time when the number of persons sleeping in the house either—

(*a*) is such that any two of those persons, being persons ten years old or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same room; or

(*b*) is, in relation to the number and floor area of the rooms of which the house consists, in excess of the permitted number of persons as defined in the First Schedule to this Act.

(2) In computing for the purposes of this section the number of persons sleeping in a house, no account shall be taken of a child under one year old, and a

PART I. —*cont.*

child who has attained one year and is under ten years old shall be reckoned as one half of a unit.

Offences in relation to overcrowding.

3.—(1) Subject to the provisions of this Part of this Act, if after the appointed day the occupier of a dwelling-house causes or permits it to be overcrowded, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty shillings.

(2) The occupier of an overcrowded dwelling-house shall not, unless he has failed to accept an offer of suitable alternative accommodation or to secure the removal of any person living in the house who is not a member of his family and whose removal is reasonably practicable, be guilty of an offence under this section in respect of the overcrowding of the house if—

(i) the house was overcrowded on the appointed day, or became overcrowded on a subsequent day by reason of a child attaining one of the ages referred to in the last foregoing section; and

(ii) all the persons sleeping in the house are either—

(*a*) persons who were living there on the appointed day or on such subsequent day, as the case may be, and have continuously thereafter lived there; or

(*b*) children of any of those persons born thereafter:

Provided that, where the occupier of the house is an owner thereof who acquired his title prior to the commencement of this Act, the provision with regard to failure to accept an offer of suitable alternative accommodation shall not apply if acceptance of the offer would cause such occupier serious hardship in connection with the disposal of the house.

(3) The occupier of a dwelling-house shall not be guilty of an offence under this section in respect of any overcrowding thereof which is occasioned by the residence therein for a period not exceeding sixteen days of a person to whom lodging is afforded by the occupier otherwise than for gain.

PART I. —*cont.*

Power of Department to increase the permitted number temporarily to meet exceptional conditions.

4.—(1) Where, on the representation of a local authority and after consultation with the Scottish Housing Advisory Committee appointed under this Act, the Department are satisfied that dwelling-houses consisting of few rooms, or comprising rooms of exceptional floor area, constitute so large a proportion of the housing accommodation in the district of the authority, or in any part thereof, that the application of the provisions of the First Schedule to this Act throughout the district, or that part thereof, immediately after the appointed day would be impracticable, they may by order direct that, in relation to those houses or to such of them as are of a specified class, the said provisions shall, during such period not exceeding three years from the coming into operation of the order as may be specified therein and any extension of that period which the Department, upon application by the local authority, may allow, have effect subject to such modifications for increasing the permitted number of persons as may be specified therein, and the order may specify different modifications in relation to different classes of houses.

(2) After consultation with the local authority and the said Committee, the Department may by order revoke any such order as aforesaid, or vary the provisions of any such order either as respects the modifications specified therein or as respects the houses to which the modifications apply or as respects both.

Power of local authority to authorise the temporary use of a house by persons in excess of the permitted number.

5.—(1) Where it appears to a local authority, having regard to the existence of exceptional circumstances, to be expedient so to do, they may, on the application of the occupier or intending occupier of a dwelling-house in their district, grant him a licence authorising him to permit such number of persons in excess of the permitted number as may be specified in the licence to sleep in the house.

(2) A licence granted under this section shall be in the prescribed form and may be granted either unconditionally or subject to any conditions specified therein.

(3) A licence granted under this section shall, unless previously revoked, continue in force for such period (not exceeding twelve months) as may be specified therein, but may be revoked by the local authority at their

PART I. —*cont.*

discretion by means of a notice in writing served upon the occupier and specifying a period (not being less than one month from the date of the service of the notice) at the expiration of which the licence is to cease to be in force.

(4) A copy of any licence granted under this section, and of any notice served thereunder, shall be served on the landlord, if any, of the dwelling-house to which it relates within seven days after the issue of the licence or the service of the notice on the occupier, as the case may be.

(5) The occupier of a dwelling-house shall not be guilty of an offence under section three of this Act by reason of anything done by him under the authority of, and in accordance with any conditions specified in, a licence in force under this section.

Provision for seasonal influx of holiday visitors.

6.—(1) With a view to making provision for any seasonal influx of holiday visitors into their district, it shall be lawful for a local authority, with the approval of the Department, to pass a resolution authorising, subject to such conditions as may be specified therein, the occupiers of houses generally or houses of any specified class in the authority's district, or in any specified part thereof, to permit during any period for which the resolution is in force such number of persons in excess of the permitted number to sleep in the said houses as may be specified in the resolution.

(2) A resolution under the foregoing subsection shall remain in force during the year in which it is passed for such period or periods not exceeding sixteen weeks in the aggregate as may be specified in the resolution.

(3) The occupier of a dwelling-house shall not be guilty of an offence under section three of this Act by reason of anything done by him in accordance with any resolution under subsection (1) of this section.

Information with respect to the permitted number and certification of number and floor areas of rooms.

7.—(1) The landlord of a dwelling-house shall not, after the appointed day, let or agree to let it to any person unless he has furnished to him a written statement in the prescribed form of the permitted number of persons in relation to the house and has obtained from him a written acknowledgment in the prescribed form, which acknowledgment the landlord shall be bound to exhibit to the local authority on demand by them, and any

PART I. —*cont.*

person who contravenes or fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding two pounds.

(2) It shall be the duty of the local authority, as soon as may be after they have ascertained the floor area of the rooms of a dwelling-house, to inform the landlord and the occupier thereof in writing of the permitted number of persons in relation to the house, and, on application by the landlord or the occupier of any dwelling-house, to give him the like information in relation thereto. A statement furnished to the occupier of a house in pursuance of the foregoing subsection shall be deemed to be a sufficient and correct statement if it agrees with information given under this subsection.

(3) Section one hundred and nine of the Act of 1925 (which confers powers of entry for certain purposes) shall apply for the purpose of the measurement of the rooms of a dwelling-house with a view to the ascertainment of the permitted number of persons.

15 & 16 Geo. 5. c. 15.

(4) The Department shall prescribe the manner in which the floor area of a room is to be ascertained for the purposes of the First Schedule to this Act, and the regulations may provide for the exclusion from computation, or for the bringing into computation at a reduced figure, of floor space in any part of a room which is of less than a specified height.

(5) A certificate of the local authority stating the number and floor areas of the rooms in a dwelling-house, and that the floor areas thereof have been ascertained in the prescribed manner, shall, for the purposes of any legal proceedings, be evidence of the facts stated therein.

Recovery of possession of overcrowded house. 13 & 14 Geo. 5. c. 32.

8.—(1) Where a dwelling-house is overcrowded in such circumstances as to render the occupier thereof guilty of an offence, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, shall prevent the landlord from obtaining possession of the house.

(2) Where a dwelling-house is overcrowded in such circumstances as to render the occupier guilty of an offence, it shall be lawful for the local authority, after giving to the landlord written notice of their intention so to do, to take any such steps for the termination of the

PART I. —*cont.*

occupier's tenancy or for his removal or ejection from the house as the landlord could take.

(3) Where, before the appointed day, any dwelling-house is overcrowded and has been overcrowded for at least six months, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, shall prevent the making of an order for the recovery of possession of the house or for the removal or ejection of the occupier, if the court is satisfied that it is reasonable to make such an order, and that suitable alternative accommodation has been offered to and is available for the occupier, and in the case of any such house it shall be lawful for the local authority to take any such steps for the termination of the occupier's tenancy or for his removal or ejection as the landlord could take:

Provided that no order for the removal or ejection of the occupier of a house to which the aforesaid Acts do not apply shall be made on the application of the local authority unless the court is satisfied as aforesaid.

(4) Where a landlord comes into possession of a house by virtue only of the provisions of this section, or of any steps taken by a local authority in pursuance thereof, then, notwithstanding anything in section two of the Rent and Mortgage Interest Restrictions Act, 1923, the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, if applicable to the house, shall not cease to apply thereto by reason only of the fact that the landlord comes into possession of the house.

13 & 14 Geo. 5. c. 32.

Enforcement of foregoing provisions.

9.—(1) It shall be the duty of a local authority to enforce the foregoing provisions of this Part of this Act as respects dwelling-houses in their district.

(2) For the purpose of enabling them to discharge their duties under the foregoing provisions of this Part of this Act, the local authority may serve notice on the occupier of a dwelling-house requiring him to furnish them within fourteen days with a statement in writing of the number, ages and sexes of the persons sleeping in the house, and if the occupier makes default in complying with the requirement, or furnishes a statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding twenty shillings.

PART I. —*cont.*

Power of local authority to publish information as to rights and duties as respects overcrowding.

10. A local authority shall have power to publish information for the assistance of landlords and occupiers of dwelling-houses as to their rights and duties under the provisions of this Part of this Act relating to overcrowding, and as to the enforcement thereof.

Duty of medical officers to furnish particulars of overcrowding.

11.—(1) It shall be the duty of the medical officer of health appointed by the local authority of any district to furnish annually to the Department and to the local authority, in accordance with regulations to be made by the Department, particulars with respect to the condition of the district in relation to overcrowding and in particular with respect to any cases in which dwelling-houses in respect of which the local authority have taken steps for putting an end to overcrowding have again become overcrowded.

(2) Before furnishing particulars under the foregoing subsection, the medical officer of health shall consult with, or obtain a report from, the sanitary inspector of the authority.

Definitions for purposes of provisions relating to overcrowding.

12. In the foregoing provisions of this Part of this Act, and in the First Schedule to this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

"Dwelling-house" means any premises used or intended to be used as a separate dwelling, not being premises which are entered in the valuation roll last authenticated at a rateable value exceeding forty-five pounds;

"Landlord" means, in relation to any dwelling-house, the person from whom the occupier derives his right to occupy it;

"Room" does not include any room of a type not normally used in the locality either as a living room or as a bedroom;

"Suitable alternative accommodation" means, in relation to the occupier of a dwelling-house, a dwelling-house in which the occupier and his family can live without causing it to be overcrowded, being a house which the local authority

PART I. —*cont.*

certify to be suitable to the needs of the occupier and his family as respects security of tenure and proximity to place of work and to be suitable in relation to his means.

Re-development areas.

Duty of local authority to secure re-development of areas in certain cases.

13.—(1) If a local authority are satisfied, as a result of an inspection carried out under section one of this Act or otherwise, that their district comprises any area in which the following conditions exist, that is to say,—

(*a*) that the area contains fifty or more working-class houses;

(*b*) that at least one-third of the working-class houses in the area fall within any one or more of the following categories, that is to say—

(i) overcrowded and with less accommodation than three apartments;

(ii) unfit for human habitation, and not capable at a reasonable expense of being rendered so fit; and

(iii) so arranged as to be congested;

(*c*) that the industrial and social conditions of their district are such that the area should be used to a substantial extent for housing the working classes; and

(*d*) that it is expedient in connection with the provision of housing accommodation for the working classes that the area should be re-developed as a whole;

the local authority shall cause the area to be defined on a map, and shall pass a resolution declaring the area so defined to be a proposed re-development area.

(2) As soon as may be after a local authority have passed a resolution under the foregoing subsection, they shall send a copy of the resolution and of the map to the Department, and unless the Department within one month after the receipt thereof intimate to the authority their disapproval of the resolution, the authority shall as soon as may be after the expiry of the said period of one month publish in one or more newspapers circulating in their district a notice stating that the resolution

has been passed and naming a place within their district where a copy of the resolution and of the map may be inspected. PART I. —*cont.*

Re-development plan.

14.—(1) Within six months after a local authority have published a notice of a resolution under the last foregoing section, or within such extended period as the Department may allow, the authority shall prepare and submit to the Department a re-development plan indicating the manner in which it is intended that the defined area should be laid out and the land therein used, whether for existing purposes or for purposes requiring the carrying out of re-development thereon and in particular the land intended to be used for the provision of houses for the working classes, for the erection of shops, for streets, and for open spaces.

(2) In the preparation of the plan the local authority shall have regard to the provisions of any planning scheme or proposed planning scheme relating to the defined area or land in the neighbourhood thereof.

(3) Unless the Department, within one month after the receipt of the re-development plan, intimate to the local authority their disapproval of the plan, the authority shall, as soon as may be after the expiry of the said period of one month—

(*a*) publish in one or more newspapers circulating in their district a notice stating that the plan has been prepared and submitted to the Department, naming a place within their district where the plan may be inspected, and specifying the time within which, and the manner in which, objections can be made; and

(*b*) serve a notice to the like effect on every owner, lessee and occupier (except tenants for a month or any period less than a month) of land in the defined area and on all public undertakers owning apparatus in that area.

(4) If any objection is duly made in writing by any of the persons upon whom notices are required to be served under the last foregoing subsection, or by the superior of, or any holder of a heritable security over, land in the defined area, the Department shall, unless the objection is withdrawn, cause a public local inquiry to be

PART I. —*cont.*

held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then approve the plan, either with or without modification (including the alteration of the defined area so as to exclude land therefrom, but not so as to add land thereto), and in any other case the Department may approve the plan with or without any such modifications as aforesaid and either after or without causing a public local inquiry to be held.

(5) On receipt of notice of the Department's approval, the local authority shall publish in one or more newspapers circulating in their district a notice stating that the re-development plan has been approved and naming a place within their district where a copy thereof may be inspected, and shall serve a like notice on every person who, having given notice to the Department of his objection to the plan, appeared at the public local inquiry in support of his objection.

(6) Where, after a re-development plan has been approved, it appears to the local authority that any land in the re-development area (that is to say the defined area or so much thereof as is comprised in the plan as approved) ought to be re-developed or used otherwise than as indicated in the plan, the authority shall prepare and submit to the Department a new plan as respects that land, and the provisions of this section with respect to publication, service of notices and approval by the Department shall have effect in relation to the new plan, with the substitution of references thereto and to the land comprised therein, for references to the re-development plan and to the defined area.

(7) In the following provisions of this Act references to re-development or use in accordance with a re-development plan shall be construed as references to re-development or use in accordance with a re-development plan approved under this section, or, in the case of land comprised in a new plan approved under this section, in accordance with the new plan.

Purchase of land for the purposes of re-development.

15.—(1) When the Department's approval of a re-development plan has become operative, the local authority may with the approval of the Department purchase by agreement, or may be authorised by means of an order made and submitted to the Department and

PART I. —*cont.*

confirmed by them in accordance with the Second Schedule to this Act to purchase compulsorily,—

(*a*) land in the re-development area; and

(*b*) any land outside that area which the local authority may require for the purpose of providing accommodation for persons occupying premises within that area which they have purchased or agreed to purchase, or in respect of which they have submitted compulsory purchase orders.

(2) It shall be the duty of the local authority within the appropriate period specified in this subsection either to enter into agreements with the approval of the Department for the purchase, or to make and submit to the Department orders for the compulsory purchase, of all land in the re-development area other than land in respect of which the local authority have within that period made arrangements with other persons for the carrying out of re-development or for securing the use of the land in accordance with the re-development plan.

The appropriate period for the purposes of this subsection shall be—

(*a*) in the case of land shown in the re-development plan as intended for the provision of houses for the working classes, six months from the date when the Department's approval of the re-development plan becomes operative;

(*b*) in the case of other land in the re-development area, two years from that date;

or, in either case, such extended period as the Department may on the application of the local authority allow in respect of any land.

(3) Nothing in this section shall authorise the compulsory acquisition of any land which is the property of any local authority or which is the property of public undertakers, having been acquired by them for the purposes of their undertaking, and the obligations imposed on the local authority by the last foregoing subsection shall not apply with respect to any such land.

(4) Land purchased by a local authority under this section for the provision of houses for the working classes

PART I. —*cont.*

shall be deemed to have been acquired by them under Part III of the Act of 1925.

(5) Land purchased by a local authority under this section otherwise than for the provision of houses for the working classes may, with the consent of the Department, be sold, feued or leased to any person or excambed for other land which the local authority have power to acquire either with or without paying or receiving money for equality of exchange, subject, in the case of land in the re-development area, to conditions for securing that it shall be re-developed or used in accordance with the re-development plan.

(6) When the Department's approval of a re-development plan has become operative and the plan comprises any land of the local authority, the provisions of this Act shall apply in relation to that land as if it had been land in the re-development area purchased by the authority under this section.

Application of certain provisions of the Acts of 1925 and 1930 for purposes of re-development provisions.

16.—(1) The provisions of section thirty-two of the Act of 1925 (which relates to expenses incurred in connection with certain orders) shall have effect in relation to a re-development plan and to a new plan and to the Department's approval of any such plan and in relation to a compulsory purchase order made under the last foregoing section, as they have effect in relation to the orders mentioned in the said section.

(2) The provisions of subsection (1) of section eighty-nine of the Act of 1925, and of the subsection which by section sixty-eight of this Act is directed to be inserted in the said section eighty-nine, shall, in so far as those provisions relate to entry on land purchased for the purposes of Part III of the Act of 1925, have effect where a local authority are authorised by an order made under the last foregoing section of this Act to purchase land compulsorily, and where a local authority have agreed to purchase land thereunder, as they have effect in the cases mentioned in the aforesaid subsections respectively.

20 & 21 Geo. 5. c. 40.

(3) The provisions of subsections (3), (4) and (5) of section eleven of the Act of 1930 (which relate to the validity and date of operation of certain orders) shall have effect in relation to the Department's approval of a

PART I. —*cont.*

re-development plan or a new plan and in relation to a compulsory purchase order made under the last foregoing section, as if references thereto had been substituted in the said subsections for references to the orders therein mentioned, and as if for references therein to the Act of 1930 and to confirmation of the orders therein mentioned and to publication of notice thereof under that Act there had been substituted references to this Part of this Act and to the Department's approval of a re-development plan and of a new plan and to confirmation by them of a compulsory purchase order made under the last foregoing section and to publication of notice thereof under this Act.

(4) The provisions of section thirteen of the Act of 1930 (which relates to the extinction of rights of way and servitudes), shall have effect in relation to land purchased under the last foregoing section in like manner as if such land were land purchased under Part I of the said Act.

Compensation in respect of land purchased for re-development.

17.—(1) Subject to the provisions of this section, where land is purchased compulsorily under section fifteen of this Act, the compensation payable in respect thereof shall be assessed in accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930, subject to the modification that in paragraph 4, for the reference to increased value given by demolition of any buildings, there shall be substituted a reference to increased value given by the proposed re-development of the area in accordance with the re-development plan.

In assessing compensation the arbiter may take into account and embody in his award any undertaking given by the local authority with respect to the time within which, and the manner in which, the re-development or any part thereof is to be carried out, and the terms of any undertaking so embodied in the award shall be binding on and enforceable against the authority.

(2) Where a local authority submit to the Department an order for the compulsory purchase under section fifteen of this Act of land which comprises any house which in the authority's opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, the order as submitted shall be in a

PART I. —*cont.*

form prescribed for the purpose of indicating that the house is in that condition, and if the Department are of opinion that the house is properly so indicated, the order as confirmed may authorise the authority to purchase the house as being in that condition.

(3) The compensation payable in respect of a house which a local authority are authorised to purchase as being unfit for human habitation and not capable at reasonable expense of being rendered so fit 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 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.

9 & 10 Geo. 5. c. 57.

Provision of accommodation for persons displaced by re-development.

18. In so far as suitable accommodation is not available for persons who will be displaced from working-class houses in the carrying out of re-development in accordance with a re-development plan, it shall be the duty of the local authority to provide, or to secure the provision of, such accommodation in advance of the displacements from time to time becoming necessary as the re-development proceeds.

Repeal of certain provisions of the Act of 1930 relating to improvement areas.

19.—(1) Subsection (1) of section six of the Act of 1930 (which empowers a local authority to pass a resolution declaring such an area as is therein mentioned to be an improvement area) shall cease to have effect.

(2) Any obligation to which a local authority who, before the commencement of this Act, have passed a resolution declaring an area to be an improvement area, are subject by virtue of paragraph (iv) of subsection (1) of section seven of the Act of 1930, shall cease as from the appointed day.

Re-conditioning of buildings.

Extension of power of local authority to acquire houses and

20.—(1) With a view to facilitating the provision or improvement by local authorities of housing accommodation for the working classes by the alteration, enlargement, repair or improvement of houses or other buildings, a local authority may be authorised to acquire compulsorily for the purposes of Part III of the Act of 1925 any

houses or other buildings (not being houses or buildings situated on land entered in the valuation roll as agricultural lands and heritages and required for the purposes for which such land is used) which are, or may be made, suitable as dwelling-houses for the working classes, together with any lands occupied, or which may be occupied, therewith; and accordingly the amendments specified in the three next succeeding subsections shall be made in the said Part III.

PART I. —*cont.*

other buildings for housing purposes.

(2) In subsection (1) of section forty-three of the Act of 1925 (which subsection prescribes the modes in which a local authority may provide housing accommodation for the working classes), for paragraph (*d*) there shall be substituted the following paragraph :—

"(*d*) by altering, enlarging, repairing or improving any houses or other buildings which have, or a right or interest in which has, been acquired by the local authority."

(3) In subsection (1) of section forty-four of the Act of 1925 (which subsection confers on a local authority power to acquire property for certain purposes), for paragraph (*b*) there shall be substituted the following paragraph :—

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

and the following proviso shall be added at the end of the said subsection :—

"Provided that nothing in paragraph (*b*) of this subsection shall authorise a local authority to acquire (otherwise than by agreement) any house or other building which is situated on land entered in the valuation roll as agricultural lands and heritages and is required for the purposes for which such land is used."

(4) Subsection (2) of the said section forty-four (which subsection empowers a local authority to acquire dwelling-houses suitable for the working classes by agreement but not otherwise) shall cease to have effect.

PART I. —*cont.*

(5) Where a local authority acquire a house or other building which can be made suitable as a dwelling-house for the working classes, or a right or interest in such a house or other building, they shall forthwith proceed to secure the alteration, enlargement, repair or improvement of the house or building, either by themselves executing any necessary works, or by selling, feuing, or leasing it to some person subject to conditions for securing that he will alter, enlarge, repair or improve it.

Borrowing Power.

Borrowing power for purposes of Part I.

21. Section sixty-eight of the Act of 1925 (which confers on local authorities power to borrow for certain purposes) shall have effect as if the purposes of this Part of this Act had been included amongst the purposes specified in subsection (1) of that section.

PART II.

SCOTTISH HOUSING ADVISORY COMMITTEE AND MANAGEMENT COMMISSIONS AND PROVISIONS AS TO HOUSING ASSOCIATIONS AND OTHER BODIES.

Advisory Committee and Management Commissions.

Scottish Housing Advisory Committee.

22.—(1) The Department shall appoint a committee, to be called the Scottish Housing Advisory Committee, for the purpose of—

(*a*) advising the Department on any matter, relating to a temporary increase of the permitted number of persons in relation to overcrowding, as respects which they are required by section four of this Act to consult the Committee;

(*b*) advising Housing Management Commissions constituted under the next succeeding section on any matter as respects which such Commissions are required to consult the Committee;

(*c*) advising the Department on any question which may be referred by them to the Committee with respect to any other matter arising in connection with the execution of the enactments relating to housing;

PART II. —*cont.*

(*d*) considering the operation of the enactments relating to housing and making to the Department such representations as the Committee think desirable concerning the execution of those enactments in relation to the general housing needs of the working classes.

(2) The Department may by order make provision with respect to the constitution and procedure of the Committee, and any such order shall secure the inclusion in the Committee of women as well as men, and the appointment of two sub-committees of the Committee for the purpose of dealing with matters relating to urban and rural housing respectively.

(3) Any order under the last foregoing subsection may be varied by a subsequent order.

(4) The Department may, out of moneys provided by Parliament, pay such expenses of the Committee as they may, with the approval of the Treasury, determine.

Power to establish Housing Management Commissions.

23.—(1) Where it appears to a local authority to be expedient that a Housing Management Commission should be established with a view to the transfer to, and the performance by the Commission of, all or any of the functions of the authority under the enactments relating to housing with respect to the management, regulation and control, and the repair and maintenance, of working-class houses and other buildings or land provided in connection with such houses, the authority shall prepare and submit to the Department a scheme making provision for the establishment of the Commission, and for the incorporation thereof, under the name of the Housing Management Commission with the addition of the name of the district of the local authority, with perpetual succession and a common seal.

(2) A scheme submitted as aforesaid may make provision with respect to the constitution, procedure and functions of the Commission and in particular, but without prejudice to the foresaid generality, may make provision—

(*a*) as to the mode of appointment and term of office of the members of the Commission;

(*b*) as to the payment of remuneration out of funds under the control of the Commission to the

PART II. —*cont.*

chairman of the Commission, where he is not a member of the local authority or of any committee or sub-committee of the local authority;

(*c*) as to the employment by the Commission of officers and staff and the remuneration out of funds under the control of the Commission and the superannuation of persons so employed;

(*d*) as to the financial relations between the local authority and the Commission;

(*e*) for conferring on the local authority power to defray temporarily on behalf of the Commission any of their expenses;

(*f*) for the application, subject to any necessary modifications, to the accounts of the Commission, of the provisions of the Local Government (Scotland) Act, 1929, with respect to the audit of the accounts of county and town councils;

19 & 20 Geo. 5. c. 25.

(*g*) for determining what property, or what rights or interests therein, are to be vested in the Commission, and the manner in which that vesting is to be effected; and

(*h*) for imposing on the Commission the duty to consult the Scottish Housing Advisory Committee as respects any matter specified in the scheme.

(3) A scheme submitted under this section may provide for the application with necessary modifications of the enactments (including schemes) governing the superannuation of persons employed by the local authority for the purposes of the superannuation of persons employed by the Commission as if they had been persons employed by the local authority and as if employment by the Commission had been employment by the local authority.

(4) The Department may approve a scheme submitted to them under this section with or without modifications, and any such scheme when approved by the Department shall have effect as from such date as may be specified therein and may be amended by a further scheme submitted by the local authority and approved by the Department.

PART II. —*cont.*

(5) A Housing Management Commission shall, on the application of the local authority, be dissolved by order of the Department, and any such order may provide for the re-vesting in the local authority of the property vested in the Commission and for any other matter consequential on the dissolution of the Commission.

Compensation to officers and servants of local authorities.

24.—(1) Every officer of a local authority who, in consequence of the transfer to a Housing Management Commission established in pursuance of the last foregoing section of this Act of all or any of the functions of the authority, suffers any direct pecuniary loss by determination of his appointment or by diminution or loss of fees, salary, or emoluments, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to recover compensation under this Act for that loss from the local authority.

(2) For the purposes of this section an officer of a local authority from whom functions are so transferred—

(*a*) who, at any time within five years after the date of such transfer relinquishes office by reason of his having been required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform immediately before the said date; or

(*b*) whose appointment is determined or whose salary is reduced within five years after the said date because his services are not required or his duties are diminished and not on the ground of misconduct or inefficiency;

shall be deemed, unless the contrary is shown, to have suffered direct pecuniary loss in consequence of such transfer.

(3) The provisions of the Second Schedule to the Rating (Scotland) Act, 1926, and of paragraph (i) of subsection (1) of section seven of the Local Government (Scotland) Act, 1929, shall apply in relation to claims for compensation under this section as they apply in relation to claims for compensation under those Acts, subject to such modifications as the Secretary of State

16 & 17 Geo. 5. c. 47.

PART II. —*cont.*

may by order provide for the purpose of adapting those provisions to cases arising under this section.

(4) In this section the expression " officer " includes servant.

Housing Associations.

Definition of housing association.

25. For references in the Act of 1925 and in the Act of 1930 to a public utility society there shall be substituted references to a " housing association " that is to say any society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing, or facilitating or encouraging the construction or improvement of, houses for the working classes, being a society, company or body of trustees who do not trade for profit or whose constitution or rules prohibit the issue of any capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, whether with or without differentiation as between share and loan capital.

Power of local authorities to make arrangements with housing associations.

26.—(1) A local authority may with the approval of the Department make arrangements with a housing association for the purpose of enabling the association to—

(*a*) provide housing accommodation for persons of the working classes displaced by action taken by the local authority under Part I or Part II of the Act of 1930 for dealing with clearance areas or for the demolition or closing of insanitary houses;

(*b*) provide housing accommodation rendered necessary by displacements occasioned by action taken by the local authority under Part I of this Act;

(*c*) provide housing accommodation for persons of the working classes for the purpose of putting an end to overcrowding;

(*d*) alter, enlarge, repair or improve houses or buildings which, or a right or interest in which, the local authority have acquired with a view to the provision or improvement of housing accommodation for persons of the working classes.

PART II. —*cont.*

(2) Arrangements made under this section shall include such terms with regard to such matters including the types of houses to be provided, and the rents at which the houses provided are to be let, as may appear to the local authority to be expedient in view of the needs of their district in relation to the housing of the working classes and may be approved by the Department.

(3) The like contribution, if any, shall be payable out of moneys provided by Parliament in respect of a house provided by a housing association under arrangements made under this section as would be payable if the house had been provided by the local authority, and shall be paid by the Department to the authority, who shall pay to the association by way of annual grant an amount not less than the contribution:

Provided that, if the Department are satisfied that the association have made default in giving effect to the terms of any arrangements made between the association and the local authority under this section, they may reduce the amount of any contribution payable to the authority under this subsection in respect of houses provided by the association, or suspend or discontinue the payment of any such contribution, as they think just.

(4) If the Department reduce the amount of a contribution payable by them under the last foregoing subsection, or suspend or discontinue the payment thereof, the local authority may reduce to a proportionate or any less extent the annual grant payable by them to the association, or may suspend the payment thereof for a corresponding period, or may discontinue the payment thereof, as the case may be.

(5) If a housing association represent to the Department that they have submitted to the local authority proposals for arrangements under this section and that the local authority have unreasonably refused to make arrangements in accordance with the proposals, the Department may require the authority to furnish them with a report as to the matter stating the reasons for their refusal.

Unification of conditions

27. Where the Department have undertaken to make in respect of any houses under the management of

PART II. —*cont.*

affecting housing associations' houses.

a housing association contributions under more than one enactment and the association are required to observe in the management of the houses varying special conditions or terms imposed by those enactments, the Department may, on the application of the association and after consultation with any local authority who are under obligation to make grants or contributions in respect of any of the houses, make a scheme specifying, as conditions to be observed in the management of all the houses in substitution for the conditions or terms imposed as aforesaid, such conditions as they think fit, and in specifying the conditions to be so observed the Department shall have regard to the provisions of Part IV of this Act with respect to the conditions which a local authority are required to observe in relation to their houses.

Amendments of the Act of 1925 as to public utility societies, &c.

28.—(1) The powers of promoting the formation or extension of, or assisting, public utility societies conferred on local authorities by section fifty-seven of the Act of 1925 shall extend to promoting the formation or extension of, or assisting, any housing association.

(2) In paragraph (*c*) of subsection (2) of section fifty-seven of the Act of 1925 (which paragraph confers on local authorities power to guarantee certain obligations of public utility societies), for the words "the "payment of interest on money borrowed by the society, "or of any share or loan capital issued by the society" there shall be substituted the words "the payment of "the principal of and interest on any money borrowed "by the association (including money borrowed by an "issue of loan capital) or of interest on any share capital "issued by the association."

(3) In section seventy-three of the Act of 1925 (which enables the Public Works Loan Commissioners to make loans to certain companies, societies, associations and persons) the following subsection shall be inserted after subsection (2):—

"(2A) An advance for any of the purposes specified in subsection (1) of this section shall be secured with interest thereon by a heritable security over the land and dwelling-houses in respect of which that purpose is to be carried out

PART II. —*cont.*

and of such other land and dwelling-houses (being houses which have been constructed or made suitable for the working classes by the company, society, association or person receiving the advance) if any as may be offered as security for the advance."

(4) In the said section seventy-three the following subsection shall be substituted for subsection (5) :—

" (5) The proportion of such value as aforesaid authorised for the purpose of the advance shall be three-fourths :

Provided that—

(*a*) if the advance is to be made to a housing association within the meaning of the Housing (Scotland) Act, 1935, and payment of the principal of and interest on the advance is guaranteed by a local authority, the said proportion shall be nine-tenths;

(*b*) in any other case, if the advance exceeds two-thirds of such value as aforesaid, the Public Works Loan Commissioners shall require, in addition to such a heritable security as is mentioned in subsection (2A) of this section, such further security as they may think fit."

Power of Department to recognise central housing association.

29.—(1) If a central association or other body has at the date of the commencement of this Act been established or is thereafter established for the purpose of promoting the formation and extension of housing associations and of giving them advice and assistance, the Department may, if they think fit, recognise such association or body for the purpose of this section.

(2) The Department may, in any of the five years next following the date on which they recognise the said central association or body, make out of moneys provided by Parliament a grant in aid of the expenses thereof of such amount as they, with the approval of the Treasury, may determine.

PART III.

FINANCIAL PROVISIONS.

Contributions towards expenses of accommodation provided for the purposes of Part I.

Exchequer contributions towards provision of accommodation provided for the purposes of Part I.

30.—(1) The Department shall, subject to the provisions of this Part of this Act, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by a local authority in providing for the working classes housing accommodation which is either—

(*a*) required for the purpose of putting an end to overcrowding, or

(*b*) rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan,

in so far as such accommodation is provided with the approval of the Department in houses the erection of which has been, or is, begun on or after the first day of February, nineteen hundred and thirty-five.

(2) A contribution under this section shall be the sum of six pounds fifteen shillings payable annually for a period of forty years in respect of each house provided for the purposes of such accommodation as aforesaid: Provided that—

(i) where it is necessary for a local authority, being the town council of a large burgh, to provide such accommodation as aforesaid on an extensive scale in one or more re-development areas, and the Department are satisfied that, by reason of the costliness of the provision so made, the total annual expenditure likely to be incurred by the local authority in providing such housing accommodation as is referred to in the foregoing subsection is substantially greater than the equivalent of ten pounds per house per annum for forty years, the Department may, with the sanction of the Treasury, undertake to make, and make, in lieu of the contribution aforesaid, a contribution of such larger amount, not exceeding ten pounds fifteen shillings, in respect of such of the houses provided in the

re-development area or areas as seems just and reasonable;

(ii) where the Department are satisfied that the total annual expenditure likely to be incurred by a local authority other than the town council of a large burgh in providing such accommodation as is referred to in the foregoing subsection is substantially greater than the equivalent aforesaid, in consequence of the remoteness of the sites of any houses in which such accommodation is provided from centres of supply of building labour and material, and the impracticability of obtaining for such houses higher rents than are ordinarily payable by persons employed in agriculture or fishing or by persons of a like economic condition, the Department may, with the sanction of the Treasury, undertake to make, and make, in lieu of a contribution of six pounds fifteen shillings, such larger contribution in respect of such of the houses so provided as seems just and reasonable.

Local authorities' contributions towards expenses of accommodation provided for the purposes of Part I.

31.—(1) A local authority to whom the Department have undertaken to make a contribution under the foregoing provisions of this Part of this Act in respect of any house shall make in respect thereof a contribution out of the appropriate rate in accordance with the provisions of this section.

(2) A contribution under this section shall be provided by equal annual instalments during a period of sixty years from the date of the completion of the house and shall be of such amount as to be equivalent, when so provided, to the appropriate sum (as hereinafter defined) provided annually for a period of forty years :

Provided that, where the local authority are of opinion that the contribution should be provided by annual instalments during a period of less than sixty years, the Department may on the application of the local authority direct that this subsection shall have effect in relation to the contribution as if there had been substituted therein, for the reference to a period of sixty years, a reference to such period, not being less than that for which the Department's contribution is payable, as they may think proper.

PART III. —*cont.*

(3) For the purposes of this section the appropriate sum shall be—

(i) in respect of a house in respect of which the Department have under paragraph (i) of the proviso to subsection (2) of the last foregoing section undertaken to make a contribution of a larger amount than six pounds fifteen shillings, a sum equal to thirteen twenty-seventh parts of that larger amount, any fractional part of one shilling exceeding sixpence being reckoned as one shilling, and any fractional part of one shilling not exceeding sixpence being disregarded;

(ii) in respect of any other house, the sum of three pounds five shillings.

Exchequer contributions in case of displacements from unfit houses in re-development area.

32.—(1) In respect of expenses incurred by a local authority in providing with the approval of the Department accommodation rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan from houses which are unfit for human habitation and not capable at reasonable expense of being rendered so fit and in maintaining accommodation so provided, contributions out of moneys provided by Parliament shall be made under section twenty-three of the Act of 1930, in like manner as if those expenses had been expenses incurred in connection with the provision and maintenance of housing accommodation rendered necessary by action taken by the authority under the Act of 1930 for one of the purposes mentioned in subsection (1) of the said section twenty-three.

(2) No contribution shall be made under section thirty of this Act towards any expenses in respect of which the Department are required to make contributions by virtue of the said section twenty-three as originally enacted or as extended by this section.

Review of Exchequer contributions under certain enactments.

Review of Exchequer

33.—(1) In the year nineteen hundred and thirty-seven, after the first day of October in that year, and in

PART III. —*cont.*

contributions in case of new houses provided at future times.

each third succeeding year, after the first day of October in that year, the Department shall take into consideration, in connection with contributions which they are required or authorised to make under each of the following sections, namely, section twenty-three of the Act of 1930, and section thirty of this Act, the amount of expenses towards which such contributions would be payable, likely to be incurred in the period of three years from the first day of April then next following and the amount of such expenses incurred in connection with operations already carried out.

(2) As soon as may be after considering the matters aforesaid in any year, the Department shall prepare, with the approval of the Treasury, a draft of an order providing in relation to contributions under each of the said sections, either—

(*a*) for the termination of their obligation or power to undertake to make, or to make, contributions under that section, in the case of new houses which have not been rendered available until after a date to be specified in the order; or

(*b*) for the continuance thereof without alteration; or

(*c*) for the alteration of the amount of the contributions in the case aforesaid, or of the period for which they are to be payable, or of both.

(3) The draft of any order prepared in pursuance of the last foregoing subsection shall, as soon as may be, be laid before the Commons House of Parliament, and if a resolution approving the draft is passed by that House within one month from the date on which the draft is laid, the Department shall make an order in the terms of the draft, but in any other event they shall, as soon as may be after the expiration of that period, prepare a new draft, and the foregoing provisions of this subsection shall have effect in relation to any new draft as they have effect in relation to an original draft.

(4) The date to be specified in an order made under this section shall—

(*a*) in the case of an order made in consequence of the consideration of the matters aforesaid in the

PART III. —*cont.*

year nineteen hundred and thirty-seven, be the thirty-first day of March, nineteen hundred and thirty-eight; and

(*b*) in the case of an order made in consequence of the consideration of the matters aforesaid in any subsequent year, not be earlier than the expiration of six months from the date on which the draft of the order is laid before the Commons House.

(5) An order made under this section shall not provide for the alteration of the amount of any contributions or of the period for which any contributions are to be payable so as to be in excess of the amount or period fixed by the section under which they are required or authorised to be made.

(6) When taking into consideration the matters aforesaid, the Department shall consult 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.

(7) An order under this section may make such consequential provision for the termination of the obligation of a local authority to make contributions, or such consequential alterations of the amount or duration of contributions to be made by a local authority, as appear to the Department to be necessary for the purpose of adjusting them to the termination of Exchequer contributions or to alterations of the amount or duration of Exchequer contributions.

(8) An order under this section altering the amount or duration of Exchequer contributions under section thirty of this Act may make such consequential alterations of the sum or period mentioned in the equivalent specified in subsection (2) of the said section thirty as may appear to the Department necessary for the purpose of adjusting such sum or period to the alterations of the amount or duration of the said Exchequer contributions and to any consequential alterations of the amount or duration of the contributions to be made by a local authority.

(9) Section twenty-five of the Act of 1930 shall cease to have effect.

Housing (Rural Workers) Acts (Financial Provisions). PART III. —*cont.*

34.—(1) Subsection (2) of section two of the Housing (Rural Workers) Act, 1926 (which relates to the power of local authorities to make grants or loans under the said Act), as amended by the Housing (Rural Workers) Amendment Act, 1931, shall have effect as if the twenty-fourth day of June, nineteen hundred and thirty-eight, were therein substituted for the first day of October, nineteen hundred and thirty-six, and section four of the said Act (which relates to Government contributions to expenses of local authorities under the said Act) shall have effect accordingly. Amendments of 16 & 17 Geo. 5. c. 56. 21 & 22 Geo. 5. c. 22.

(2) Subject to the provisions of any amending scheme made by a local authority with the approval of the Department, any reference in a scheme under the said Act to any date in the year nineteen hundred and thirty-one, or in the year nineteen hundred and thirty-six, shall be construed as a reference to the twenty-fourth day of June, nineteen hundred and thirty-eight.

(3) In subsection (5) of section two of the Housing (Rural Workers) Act, 1926, in paragraph (*a*) (which provides that a loan under the said section, together with interest thereon at the prescribed rate, shall be secured on the dwelling in respect of which the loan is made), there shall be substituted for the words "at the prescribed rate" the words "at a rate one quarter "per cent. in excess of the rate of interest which, one "month before the date on which the terms of the loan "are settled, was the rate fixed by the Treasury under "section one of the Public Works Loans Act, 1897, in "respect of loans to local authorities advanced out of "the Local Loans Fund for the purposes of Part III of "the Housing (Scotland) Act, 1925." 60 & 61 Vict. c. 51.

(4) For the purposes of subsection (1) of section three of the Housing (Rural Workers) Act, 1926 (which section relates to the conditions attaching to dwellings in respect of which assistance has been given under that Act by way of grant) the rate per cent. by reference to which, under paragraph (*b*) of the said subsection (1), the rent payable in respect of a dwelling is to be

PART III. —*cont.*

calculated, shall, instead of being three per cent., be four per cent.:

Provided that nothing in this subsection shall affect the rent payable in respect of a dwelling if the works in respect of which assistance was given were completed before the first day of January nineteen hundred and thirty-five.

(5) Notwithstanding anything in the enactments relating to valuation or rating, a dwelling in respect of which assistance has been given under the Housing (Rural Workers) Acts, 1926 and 1931, by way of grant shall not, so long as the conditions specified in section three of the first mentioned Act apply in relation to the dwelling, be entered in the valuation roll at a gross amount exceeding the maximum rent permissible under the said section.

Assistance to local authorities in respect of housing of rural workers.

35. Where a local authority propose themselves to execute works in respect of which, if executed by another person, they might have made grants under the Housing (Rural Workers) Acts, 1926 and 1931, and the authority make application in that behalf to the Department, and furnish them with such particulars of the proposed works as they may require, the Department may make, or undertake to make, out of moneys provided by Parliament, the like contributions as they might have made under those Acts if the authority had made to another person in respect of the works the maximum grant permissible under those Acts, and the provisions of section three of the Housing (Rural Workers) Act, 1926, (other than provisions relating to the giving of certificates, or the repayment of grants, to the authority) shall, subject to the provisions of Part IV of this Act, have effect in relation to dwellings in respect of which a contribution is made under this subsection as if a grant had been made under the first-mentioned Acts equal to twice the capital value of the contribution.

Local authorities' contributions in respect of housing of rural workers.

36. A local authority to whom the Department have undertaken to make a contribution under the last foregoing section shall make out of the appropriate rate a contribution of the like amount and payable for the like period as the Department's contribution.

Consolidation of Housing Accounts.

PART III. —*cont.*

Enactments under which Exchequer contributions are payable and modification of certain of those enactments.

37.—(1) In this Part of this Act and in the Third Schedule to this Act the expression "Exchequer contribution" means a contribution which the Department are required or authorised to make to a local authority out of moneys provided by Parliament under any of the enactments specified in Part I of the said Schedule.

(2) The provisions of Part II of the Third Schedule to this Act shall, as from the sixteenth day of May, nineteen hundred and thirty-five, have effect for the purpose of the determination of the amount of—

(*a*) Exchequer contributions payable under section five of the Act of 1919, other than contributions in respect of schemes for the provision of houses for persons in the employment of, or paid by, a local authority; and 9 & 10 Geo. 5. c. 60.

(*b*) Exchequer contributions payable under subsection (3) of section one of the Act of 1923. 13 & 14 Geo. 5. c. 24.

Any increase attributable to the passing of this subsection in the sum payable out of moneys provided by Parliament by virtue of section five of the Act of 1919 and of the regulations made thereunder, or in the sum payable out of moneys so provided by virtue of subsection (3) of section one of the Act of 1923, shall be defrayed out of moneys so provided.

Local authorities' contributions.

38. It shall be a condition of the right of a local authority to receive any Exchequer contribution that the authority shall, as from the sixteenth day of May, nineteen hundred and thirty-five, make out of the appropriate rate the contributions referred to in Part III of the Third Schedule to this Act.

Obligation to keep Housing Revenue Account.

39. Subject to the provisions of this section, every local authority shall, as from the sixteenth day of May, nineteen hundred and thirty-five, keep an account (to be called the Housing Revenue Account) of the income and expenditure of the authority in respect of—

(*a*) all dwelling-houses and other buildings which have been provided at any time after the twelfth day of February, nineteen hundred and nineteen, under Part III of the Act of 1925, or

PART III. —*cont.*

under any enactment relating to the provision of housing accommodation for the working classes repealed by that Act;

(*b*) all land which at any time after the said date has been acquired or appropriated for the purposes of Part III of the Act of 1925, or of any enactment relating to the provision of housing accommodation for the working classes repealed by that Act, or is deemed to have been acquired under the said Part III by virtue of subsection (4) of section fifteen of this Act;

(*c*) all dwellings in respect of which the Department have undertaken to make a contribution to the authority under section thirty-five of this Act; and

(*d*) such other working-class houses as the authority with the consent of the Department may from time to time determine.

Credits and debits in Housing Revenue Account.

40.—(1) In the financial year beginning on the sixteenth day of May, nineteen hundred and thirty-five, and in each subsequent financial year a local authority who are required by virtue of the last foregoing section to keep a Housing Revenue Account shall carry to the credit of the account amounts equal to—

(*a*) the income receivable by the authority for that year from rents and feu duties in respect of such dwelling-houses, buildings, land and dwellings as are mentioned in the last foregoing section;

(*b*) the Exchequer contributions, if any, payable to the authority for that year; and

(*c*) the authority's contributions referred to in Part III of the Third Schedule to this Act for that year;

and shall debit to the account amounts equal to—

(i) the loan charges which the local authority are liable to pay for that year in respect of moneys borrowed by a local authority for the purpose of the provision by them after the twelfth day of February, nineteen hundred and nineteen, of housing accommodation for the working classes

PART III. —*cont.*

under Part III of the Act of 1925, or under any enactment relating to the provision of housing accommodation for the working classes repealed by that Act, or for the purpose of the execution of works in respect of which the Department have undertaken to make a contribution under section thirty-five of this Act;

(ii) the taxes, rates, feu duties, rents and other charges which the authority are liable to pay for that year in respect of such dwelling-houses, buildings, land and dwellings as are mentioned in the last foregoing section;

(iii) the expenditure incurred by the authority for that year in respect of the supervision and management of such dwelling-houses, buildings, land and dwellings as are mentioned in the last foregoing section;

(iv) the arrears of rent which have been written off in that year as irrecoverable (other than arrears of rent in respect of any period prior to the sixteenth day of May, nineteen hundred and thirty-five);

(v) the contribution, if any, required to be made by the authority for that year to a Housing Repairs Account kept in accordance with the subsequent provisions of this Part of this Act; and

(vi) the contribution, if any, required to be made by the authority for that year to a Housing Equalisation Account kept in accordance with the subsequent provisions of this Part of this Act.

(2) Where any functions of the authority in respect of any such dwelling-houses, buildings, land or dwellings as are mentioned in the last foregoing section are being exercised for the time being by a Housing Management Commission, the provisions of the foregoing subsection shall have effect in relation thereto subject to such modifications as the Department may direct.

(3) Where any such dwelling-house, building, land or dwelling as is mentioned in the last foregoing section has been sold or otherwise disposed of, whether before or after the commencement of this Act, an amount equal to

PART III. —*cont.*

any income of the authority arising from the investment or other use of capital money received by the authority in respect of the transaction shall, unless the Department otherwise direct as respects the whole or any part of such income, be carried to the credit of the Housing Revenue Account in like manner as if it had been income from rents.

(4) An amount equal to the income (if any) of the authority arising from an investment or other use of borrowed moneys in respect of which the authority are required to debit loan charges to the Housing Revenue Account shall be carried to the credit of that Account in like manner as if it had been income from rents, and where a local authority, not being an authority who are required by virtue of the last foregoing section to keep a Housing Revenue Account, are entitled to any such income, they shall by virtue of this subsection be required to keep such an account.

(5) Where it appears to the Department that amounts in respect of any incomings or outgoings other than as aforesaid ought properly to be credited or debited to a Housing Revenue Account, or that amounts in respect of any of the incomings and outgoings aforesaid which ought properly to have been credited or debited thereto have not been so credited or debited, or that any amounts have been improperly credited or debited to that account, they may, after consultation with the local authority, give directions for the appropriate credits or debits to be made or for the rectification of the account, as the case may require.

Disposal of balances in Housing Revenue Account.

41.—(1) Subject to the provisions of subsection (2) of this section, at the end of each financial year any surplus shown in a Housing Revenue Account shall, subject to application, if the local authority so determine, in repaying any additional contributions made out of the appropriate rate in any of the four last preceding financial years, be carried forward in the Account to the next financial year.

(2) Any surplus shown on the fifteenth day of May in the year nineteen hundred and forty, or any fifth succeeding year, and not required for application as aforesaid, may, as the local authority with the consent of the Department may determine, be applied, in whole

PART III. —*cont.*

or in part, in either of the following ways or partly in one of those ways and partly in the other, that is to say,—

(*a*) by transferring it to the Housing Repairs Account; or

(*b*) by carrying it forward in the Housing Revenue Account to the next financial year;

and, in so far as not so applied, shall be divided into two parts in proportion to the amount credited to the Housing Revenue Account under the last foregoing section during the period of five years ending on the date on which the surplus is shown in respect of Exchequer contributions on the one hand, and the amount so credited in respect of the contributions specified in Part III of the Third Schedule to this Act, less any amounts repaid under subsection (1) of this section, on the other hand, and an amount equal to the first of those parts shall be paid to the Department and an amount equal to the other part shall be applied towards meeting expenditure chargeable to the appropriate rate.

Housing Repairs Account.

42.—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall for the purpose of equalising so far as practicable the annual charge to their revenue in respect of the repair, improvement and maintenance of dwelling-houses, buildings and dwellings in respect of which that account is to be kept, keep an account (to be called " the Housing Repairs Account ") and shall, in the financial year beginning on the sixteenth day of May, nineteen hundred and thirty-five, and in each subsequent financial year, carry to the credit of that account from the Housing Revenue Account in respect of each dwelling-house, building and dwelling such amount as they may think proper, not being less than an amount equal to fifteen per cent. of the annual rent (exclusive of any amount included therein in respect of occupier's rates), and such amount, if any, as may be necessary to make good any deficit shown in the Housing Repairs Account at the end of the last preceding financial year.

(2) If the local authority are, at the commencement of this Act, maintaining or keeping a repairs fund or

PART III. —*cont.*

a repairs account in respect of any of the dwelling-houses, buildings or dwellings in respect of which the Housing Revenue Account is to be kept, they shall carry to the credit of the Housing Repairs Account any moneys in, or standing to the credit of, that other fund or account in respect thereof and, if that other fund or account relates only thereto, shall close it.

(3) Subject to the provisions of this Part of this Act, moneys standing to the credit of the Housing Repairs Account shall be applied only in meeting expenses incurred in respect of the repair, improvement, and maintenance of the dwelling-houses, buildings and dwellings in respect of which the Housing Revenue Account is to be kept.

(4) If at any time it appears to the Department, after consultation with the local authority, that the moneys standing to the credit of a Housing Repairs Account are more than sufficient for the purposes for which the account is to be kept, or that it is no longer necessary for the account to be kept, they may give such directions as they think proper for the reduction of the amounts to be credited to the account or the suspension of the carrying of credits thereto, or for the closing of the account and the application of any moneys standing to the credit thereof, as the case may be.

Housing Equalisation Account.

43.—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall, for the purpose of equalising the income of the Housing Revenue Account derived from Exchequer contributions over any period during which loan charges required to be debited to that account will be payable, keep an account (to be called the " Housing Equalisation Account ") and shall carry to the credit of that account from the Housing Revenue Account such sums, and shall apply an amount equal to the sums so credited in such manner, as may be prescribed.

(2) If the local authority are, at the commencement of this Act, maintaining or keeping an equalisation fund or an equalisation account in respect of any matters in respect of which the Housing Revenue Account is to be kept, they shall carry to the credit of the Housing Equalisation Account any moneys in, or standing to the credit of, that other fund or account in respect of those matters

and, if that other fund or account relates only to those matters, shall close it. PART III. —*cont.*

(3) If the local authority satisfy the Department that it is not necessary for them to open a Housing Equalisation Account or, after they have opened such an account, that it is no longer necessary for the account to be kept open, the Department may give such directions as they think proper for relieving the authority from the duty to keep such an account, or for the closing of the account and for the application of any moneys standing to the credit thereof, as the case may be.

Temporary application of moneys in housing accounts.

44.—(1) An amount equal to any moneys standing to the credit of the Housing Repairs Account or the Housing Equalisation Account of a local authority, and not for the time being required for the purposes for which they will ultimately be applicable may be used by the authority for the purpose of any statutory borrowing power possessed by them subject to the conditions specified in subsection (2) of this section, and, so far as not so used, shall be invested temporarily in any security in which trustees are for the time being authorised by law to invest, and an amount equal to the income arising from such investment shall be credited to the account.

(2) The conditions subject to which moneys may be used as mentioned in subsection (1) of this section shall be the following, that is to say,—

(*a*) the moneys so used shall be repaid to the account out of the county or burgh fund within the period, and by methods, within and by which a loan raised under the statutory borrowing power would be repayable :

Provided that the authority shall repay to the account the moneys so used or the balance thereof for the time being outstanding, as the case may be, as and when required for the purposes of the account, and may make such repayment at any time within the period aforesaid, and in either case the repayment shall be made out of the aforesaid fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power;

PART III. —*cont.*

(*b*) in the accounts of the county or burgh fund an amount equal to interest (calculated at such rate as may be determined by the authority to be equal as nearly as may be to the rate of interest which would be payable on a loan raised under the statutory borrowing power) on any moneys so used shall be credited to the account and debited to the branch of expenditure for the purpose for which the moneys are so used;

(*c*) the statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power, and the provisions of any enactment as to the re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Time and manner of payment of Exchequer contributions.

45. Exchequer contributions and contributions to be made by the Department under section twenty-six of this Act shall be payable at such times and in such manner as the Treasury may direct and subject to such conditions as to records, certificates, audit or otherwise as the Department may, with the approval of the Treasury, impose.

Power to withhold contributions in the event of default.

46. If at any time the Department are satisfied that a local authority have—

(*a*) failed to discharge any of the duties imposed on them by virtue of the Housing (Scotland) Acts, 1919 to 1933, or this Act; or

(*b*) failed to exercise any of their powers under the aforesaid Acts in any case where these powers ought to have been exercised; or

(*c*) failed to observe any condition subject to which they are entitled to receive an Exchequer contribution;

the Department may reduce the amount of any Exchequer contribution payable to the authority, or suspend or discontinue the payment of any such contribution, as they think just.

PART IV.

UNIFICATION OF CONDITIONS AFFECTING LOCAL AUTHORITIES' HOUSES.

Conditions to be observed by local authorities.

47.—(1) A local authority shall in relation to all dwelling-houses and dwellings in respect of which they are required to keep a Housing Revenue Account observe the requirements specified in the following provisions of this section.

(2) The authority shall secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary or overcrowded houses, have large families, or are otherwise living under unsatisfactory housing conditions.

(3) Except in so far as the Department may otherwise sanction, the authority shall secure, in accordance with any directions that may be given to them by the Department, that a number of houses equal to the number in respect of which the Department have undertaken to make a contribution under any of the following enactments, namely, subsection (3) of section one of the Act of 1923, the Act of 1930, the Act of 1931, section one of the Act of 1933, and section thirty of this Act, are reserved for low wage earners or persons of a like economic condition.

21 & 22 Geo. 5. c. 39. 23 & 24 Geo. 5. c. 16.

(4) Except in so far as the Department may otherwise sanction, the authority shall secure, in accordance with any directions that may be given to them by the Department, that a number of dwelling-houses or dwellings equal to the number in respect of which the Department have undertaken to make a contribution to the authority under section thirty-five of this Act are reserved for such persons as are mentioned in paragraph (*a*) of subsection (1) of section three of the Housing (Rural Workers) Act, 1926.

(5) In fixing rents the authority shall take into consideration the rents ordinarily payable by persons of the working classes in the locality, but may grant to any tenant rebates from rent subject to such conditions as may be prescribed with a view to ensuring that rebates are granted only in such cases and of such amounts as may be necessary, having regard to the financial circumstances of the tenant.

PART IV. —*cont.*

(6) The authority shall from time to time review rents and make such changes either of rents generally or of particular rents and rebates as circumstances may require.

(7) For the purposes of any enactment relating to valuation or rating, the gross annual value of any dwelling-house or dwelling to which this section applies shall not exceed the rent (exclusive of occupier's rates) fixed in pursuance of this section, and no account shall be taken of any rebate from the rent so fixed.

(8) The authority shall make it a condition of every let that the tenant shall not assign, sub-let or otherwise part with the possession of the premises, or any part thereof, except with the consent in writing of the authority. In determining whether to give or withhold such consent, the authority shall comply with any directions that may be given to them by the Department, and they shall not in any case give such consent unless it is shown to their satisfaction that no payment other than a rent which is in their opinion a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, sub-letting or other transaction.

Conditions ceasing to have effect.

48.—(1) The enactments specified in the first column of the Fourth Schedule to this Act (which relate to conditions affecting dwelling-houses to which the requirements of the last foregoing section apply) shall, to the extent mentioned in the second column of that Schedule, cease to have effect.

(2) The conditions contained in section three of the Housing (Rural Workers) Act, 1926, shall not have effect in relation to dwellings to which the requirements of the last foregoing section apply.

Conditions on sale of local authorities' houses.

49. If any dwelling-house, building, land or dwelling in respect of which a local authority are required to keep a Housing Revenue Account is sold or feued by the authority with the consent of the Department, the Department may in giving consent impose such conditions, and may reduce the amount of any Exchequer contribution payable to the authority, or of any of the contributions referred to in Part III of the Third Schedule to this Act payable by the authority, as the Department think just.

PART V.

RE-DEVELOPMENT BY OWNERS.

Re-development by owners.

50.—(1) Any persons proposing to undertake the re-development of land may submit particulars of their proposals to the local authority, who shall consider the proposals and, if they appear to the authority to be satisfactory, shall give to the persons by whom they were submitted notice to that effect, specifying times within which the several parts of the re-development are to be carried out, and if and so long as the re-development is being proceeded with in accordance with the proposals and within the specified time limits, subject to any variation or extension approved by the authority, no action shall be taken in relation to the land under any of the powers conferred by Part I or Part II of the Act of 1930 or the provisions of Part I of this Act relating to re-development areas.

(2) Where the local authority are satisfied that, for the purpose of enabling re-development to be carried out in accordance with proposals which have been submitted as aforesaid and in respect of which the authority have given notice of their satisfaction, it is necessary that any dwelling-house to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, apply, should be vacated, and that suitable alternative accommodation within the meaning of section twelve of this Act is available for the tenant or will be available for him at a future date, the authority may issue to the landlord a certificate that such suitable alternative accommodation is available for the tenant or will be available for him by that future date, and a certificate so issued shall, for the purposes of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, have the like effect as if it had been such a certificate as is mentioned in subsection (2) of section three of that Act with respect to accommodation to be provided forthwith or on that future date, as the case may be.

23 & 24 Geo. 5. c. 32.

Exclusion from Part V of premises in clearance or re-development area.

51.—(1) The provisions of the last foregoing section of this Act shall not have effect in the case of premises comprised in a clearance order or compulsory purchase order confirmed by the Department under Part I of the Act of 1930 or in the case of premises comprised in a

PART V. —*cont.*

demolition order thereunder which has become operative or in the case of premises comprised in a re-development plan approved by them.

(2) Where proposals are submitted to a local authority under the last foregoing section of this Act in relation to premises not comprised in a clearance or compulsory purchase order or re-development plan so confirmed or approved as aforesaid but comprised in an area which has been defined as a clearance area or as a proposed re-development area, the authority may, in lieu of proceeding as mentioned in that section, transmit the proposals to the Department, and the Department shall deal with the proposals in connection with the consideration by them of the clearance order or compulsory purchase order, or of the re-development plan, as the case may be, as if the proposals had been objections to the order or plan made on the date on which the proposals were submitted to the authority, and if, in confirming or approving the order or plan, the Department exclude the premises from the clearance area or the re-development area, the authority shall thereupon proceed in relation to the proposals as mentioned in the said section and the provisions thereof shall have effect accordingly.

PART VI.

MISCELLANEOUS AND GENERAL.

Removal of obstructive buildings.

Definition of "obstructive building."

52. In this Part of this Act the expression "obstructive building" means a building which, by reason only of its contact with, or proximity to, other buildings, is injurious or dangerous to health.

Local authority may resolve to demolish obstructive building.

53.—(1) The local authority may serve upon the owner or owners of a building which appears to the authority to be an obstructive building notice of the time (being some time not less than one month after the service of the notice) and place at which the question of demolishing the building will be considered by the authority.

(2) Where the local authority serve a notice under the foregoing subsection on an owner of a building, they shall at the same time require him to furnish within two

PART VI. —*cont.*

weeks thereafter a written statement specifying the name and address of the superior under whom such owner holds, and of the holder of any heritable security over the owner's interest in the building, and the local authority shall, as soon as may be after receipt of such statement, serve on any person whose name is included therein notice of the time and place at which the question of demolishing the building will be considered.

(3) Any person on whom a notice is served in pursuance of the foregoing provisions of this section shall be entitled to be heard when the question of demolishing the building to which the notice relates is taken into consideration.

(4) If, after so taking the matter into consideration, the authority are satisfied that the building is an obstructive building and that the building or any part thereof ought to be demolished, they may pass a resolution that the building or that part thereof shall be demolished, and may, by such resolution, require that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the resolution becomes operative, and if they do so, shall serve a copy of the resolution upon the owner or owners of the building.

(5) If any person fails to give the local authority any information required by them under subsection (2) of this section or knowingly makes any misstatement with reference thereto, he shall be liable on summary conviction to a fine not exceeding five pounds.

(6) This section shall not apply to a building which is the property of public undertakers, unless it is used for the purposes of a dwelling-house, showroom, or office, or which is the property of a local authority.

Effect of resolution for demolition of obstructive building.

54.—(1) If, before the expiration of the period within which a building in respect of which a resolution is passed under the last foregoing section is thereby required to be vacated, any owner or owners whose estate or interest, or whose combined estates or interests, in the building and the site thereof is or are such that the acquisition thereof by the local authority would enable the local authority to carry out the demolition without having passed such a resolution as aforesaid, make to the local authority an offer for the sale of that interest, or of

PART VI. —*cont.*

these interests, to the local authority at a price to be assessed, as if it were compensation for a compulsory purchase, by arbitration in accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930, the authority shall accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

(2) If no such offer as is mentioned in the last foregoing subsection is made before the expiration of the said period, the local authority shall, as soon as may be thereafter, carry out the demolition and shall have the like right to sell the materials rendered available thereby as if they had purchased the building.

(3) Where the demolition of a building is carried out under the last foregoing subsection, compensation shall be paid by the authority to the owner or owners in respect of loss arising from the demolition, and that compensation shall, notwithstanding that no land is acquired compulsorily by the local authority, be assessed in accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930, except that paragraphs (2) to (6) of section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall not apply and that paragraph (1) of the said section two shall have effect with the substitution of a reference to demolition for the reference to acquisition.

Application of certain provisions of Acts of 1925 and 1930 to resolutions for demolition under this Part.

55. The following enactments shall, subject to any necessary modifications, have effect in relation to a resolution passed under this Part of this Act and to a building or part of a building to which such a resolution applies, as they have effect in relation to a demolition order under Part II of the Act of 1930 and to a house, building or premises to which such an order applies, as if the references therein to a demolition order included references to a resolution passed under this Part of this Act, and the references therein to Part I of the Act of 1925 or to Part II of the Act of 1930 included references to the foregoing provisions of this Part of the Act, that is to say,—

(*a*) section twenty-three of the Act of 1925 (which relates to notices and to applications to the sheriff in relation to demolitions);

PART VI. —*cont.*

(*b*) section twenty-five of the Act of 1925 (which relates to remedies of owners for breach of contract);

(*c*) section one hundred and twelve of the Act of 1925 (which excludes the application of the Acts relating to rent restriction);

(*d*) section twenty of the Act of 1930 (which relates to appeals against orders and the date of coming into operation of orders);

(*e*) section twenty-seven of the Act of 1930 (which relates to the recovery of possession of buildings), except subsection (2) thereof; and

(*f*) section twenty-nine of the Act of 1930 (which relates to the power of the sheriff to determine leases in certain cases).

Amendments relating to Clearance Areas.

Amendment as to premises in clearance area on ground of bad arrangement &c., and repeal of provision for reduction of compensation.

56.—(1) Notwithstanding anything in Part I of the Act of 1930, there shall be excluded from a clearance order made thereunder any dwelling-houses or other premises properly included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are injurious or dangerous to the health of the inhabitants of the area, and, if a compulsory purchase order is confirmed with respect to any such dwelling-house or other premises, the compensation to be paid therefor shall be assessed in accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930.

(2) The proviso to subsection (1) of section thirty-seven of the Act of 1925 (which proviso relates to the reduction of compensation payable in respect of the compulsory purchase of land in certain cases) shall cease to have effect as respects the compensation to be paid for land which is the subject of a compulsory purchase order made on or after the twentieth day of December, nineteen hundred and thirty-four, and any person whose compensation has been assessed before the commencement of this Act at an amount less than that at which it would by virtue of this subsection have been assessed after the commencement

PART VI. —*cont.*

of this Act shall be entitled to apply for additional compensation in accordance with the like procedure as if the assessment had not been made.

Obligation of the Department to state reasons for deciding that a building is unfit for human habitation.

57. Any person who objects to a clearance order on the ground that a building included therein, being a building in which he is interested, is not unfit for human habitation, or who objects on the like ground to a compulsory purchase order made under Part I of the Act of 1930, or under Part I of this Act, and who appears at the public local inquiry in support of his objection, shall, if the building is included in the order as confirmed as being unfit for human habitation, be entitled on making a request in writing to be furnished by the Department with a statement in writing of their reasons for deciding that the building is so unfit.

Payments in respect of well-maintained houses.

58.—(1) Where as respects a dwelling-house which is made the subject of a compulsory purchase order whether under Part I of the Act of 1930, or under Part I of this Act, as being unfit for human habitation, or which is made the subject of a clearance order as being so unfit (being, in either case, an order made on or after the twentieth day of December, nineteen hundred and thirty-four) the Department are satisfied, after causing the house to be inspected by an officer of the Department, that, notwithstanding its sanitary defects, it has been well maintained, the Department may give directions for the making by the local authority of a payment under this section in respect of the house.

(2) A payment under this section shall be of an amount equal either—

(*a*) to the amount by which the aggregate expenditure which is shown to the satisfaction of the local authority to have been incurred in maintaining the house during the five years immediately before the date on which the order was made exceeds an amount equal to the rateable value of the house, or

(*b*) to one and one-fifth times (or, if at that date the house is occupied by an owner thereof and has been owned and occupied by him or by a member

of his family continuously during the three years immediately before that date, two and two-fifth times) the rateable value of the house, PART VI. —*cont.*

whichever is the greater.

(3) A payment under this section shall be made—

(*a*) if the house is occupied by an owner thereof, to him; or

(*b*) if the house is not so occupied, to the person or persons liable to maintain and repair the house, and, if more than one person is so liable, in such shares as the authority think equitable in the circumstances:

Provided that, if any other person satisfies the local authority that the good maintenance of the house is attributable to a material extent to work carried out by him or at his expense, the local authority may, if it appears to them to be equitable in the circumstances, make the payment, in whole or in part, to him.

(4) In this section the expression "rateable value" means the rateable value entered in the valuation roll last authenticated prior to the date on which the order was made.

Arrangements where acquisition of land in clearance area found to be unnecessary.

59.—(1) Where a local authority have submitted to the Department an order for the compulsory purchase of land in a clearance area and the Department on an application for an authorisation under this section being made to them by the owner of the land and the authority are satisfied that the owner of the land, with the concurrence of any heritable creditor, agrees to the demolition of the buildings thereon and that the authority can secure the proper clearance of the area without acquiring the land, the Department may—

(*a*) in a case where the order has not been confirmed, authorise the authority to submit, forthwith and without any previous publication or service, a clearance order with respect to the buildings, and upon their so doing may modify the compulsory purchase order by excluding the land therefrom and confirm the clearance order without causing an inquiry to be held; or

PART VI. —*cont.*

(*b*) in a case where the compulsory purchase order has been confirmed but the land has not become vested in the authority, authorise them to discontinue proceedings for the purchase of the land on their being satisfied that such agreements have been or will be entered into by all necessary parties, as may be requisite for securing that the buildings shall be demolished in like manner, and the land become subject to the like restrictions and conditions, as if the authority had dealt with the land in accordance with the provisions of section four of the Act of 1930.

(2) Subsection (3) of section ten of the Act of 1930 shall cease to have effect.

Power to exchange clearance area land in lieu of sale under s. 4 of Act of 1930.

60.—(1) Where a local authority have purchased land comprised in, or surrounded by, or adjoining a clearance area, and the owner of other land, being land which the authority have power to acquire, is willing to take the land in exchange for that other land, the authority may, in lieu of selling the land under subsection (1) of section four of the Act of 1930, excamb it for that other land either with or without paying or receiving money for equality of exchange.

(2) Any such exchange as aforesaid shall be deemed to be a transaction under the said section four, and in relation thereto the like provisions shall have effect as respects the land to be given in exchange by the local authority as have effect by virtue of the said section four as respects land sold thereunder.

Provisions with respect to property belonging to a local authority within or adjacent to a clearance area.

61.—(1) Subject to the provisions of this section, a local authority may include in a clearance area, any land belonging to them which they might have included in such an area if it had not belonged to them; and where any land belonging to a local authority is included in a clearance area, or where any land belonging to a local authority is surrounded by or adjoins a clearance area and might have been purchased by the authority under section three of the Act of 1930 had it not been previously acquired by them, the provisions of that Act shall apply in relation to any such land as if it had been purchased compulsorily by the authority as being land comprised in the clearance area or, as the case may

be, as being land surrounded by or adjoining the clearance area : PART VI. —*cont.*

Provided that the foregoing provisions of this section shall not apply in the case of any land being working-men's dwellings which were acquired by the local authority under any such Act or Order as is mentioned in section seventy-nine of the Act of 1925 and in such circumstances that the provisions of paragraph 1 of the Fifth Schedule to that Act took effect in relation thereto.

(2) Any increase attributable to the passing of this section in the contributions payable by the Department under section twenty-three of the Act of 1930 shall be defrayed out of moneys provided by Parliament.

Restriction of use of land after clearance order becomes operative.

62.—(1) When a clearance order has become operative, no land to which the order applies shall be used for building purposes (which expression includes the erection or placing on land of a hut, tent, caravan, or other temporary or movable form of shelter), or otherwise developed, except subject to such restrictions and conditions, if any, as the local authority may think fit to impose :

Provided that an owner who is aggrieved by a restriction or condition so imposed on the use of his land (not being a restriction or condition relating exclusively to the erection or placing on the land of huts, tents, caravans, or other temporary or movable forms of shelter) may, at any time within three months after the restriction or condition is imposed, require the authority to purchase the land at a price to be assessed, failing agreement, as if it were compensation for a compulsory purchase, by arbitration in accordance with the provisions of subsection (2) of section twelve of the Act of 1930.

(2) A person who commences, or causes to be commenced, any work in contravention of a restriction or condition imposed under this section shall be liable on summary conviction to a fine not exceeding two pounds and to a further fine not exceeding ten pounds in respect of each day during which the work exists in such a form and state as to contravene the restriction or condition.

PART VI. —*cont.*

Amendments of the enactments relating to housing.

Power to purchase compulsorily land not immediately required.

63. Notwithstanding anything in subsection (3) of section forty-four of the Act of 1925, a local authority may be authorised to purchase land compulsorily for the purposes of Part III of that Act although that land is not immediately required for those purposes, and accordingly the words " by agreement (but not otherwise) " in the said subsection shall cease to have effect.

Amendment of Act of 1925, s. 51, with respect to public undertakers.

64. In section fifty-one of the Act of 1925 (which relates to the compulsory purchase of land for the purposes of Part III of that Act) for the reference to land which has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, there shall be substituted a reference to land which is the property of public undertakers, having been acquired by them for the purposes of their undertaking.

Compensation on compulsory purchase for purposes of Part III of Act of 1925.

65. The following subsection shall be inserted at the end of section fifty-one of the Act of 1925 :—

" (2) Where land is purchased compulsorily by a local authority for the purposes of this Part of this Act, the compensation payable in respect thereof shall be assessed in accordance with the provisions of Part II of the Third Schedule to the Housing (Scotland) Act, 1930."

Amendment as to terms of loans by Public Works Loan Commissioners.

66. Section seventy-two of the Act of 1925 shall have effect as if in paragraph (*b*) of subsection (2) thereof the words " if the Board make a recommendation to that effect " had been omitted, and as if for the words " the " period shall not exceed the period recommended by " the Board, nor in any case exceed eighty years " there had been substituted the words " shall not exceed eighty years."

Amendment of Act of 1925, s. 75.

67. The limit specified in subsection (4) of section seventy-five of the Act of 1925 on the estimated value of property in respect of which an advance or guarantee may be made or given under that section shall be reduced from fifteen hundred pounds to eight hundred pounds.

PART VI. —*cont.*

68. In section eighty-nine of the Act of 1925 (which relates to power of entry on land compulsorily acquired) the following subsection shall be inserted after subsection (1):— Power of entry on land purchased or appropriated for housing purposes.

"(1A) Where a local authority have agreed to purchase, or have determined to appropriate, land for the purposes of Part II or Part III of this Act, subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after such agreement has been made, or such appropriation takes effect, the local authority may, after giving to the person so in possession such notice as is hereinafter mentioned, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent, but subject to the payment to the person so in possession of the like compensation, with such interest thereon as aforesaid, as if the local authority had been authorised to purchase the land compulsorily and such person had in pursuance of such power been required to give up possession before the expiration of his term or interest in the land, but without the necessity of compliance with sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845." 8 & 9 Vict. c. 19.

Power of local authorities to enforce obligations against owner for time being of land.

69.—(1) Where—

(*a*) a local authority have sold or excambed land acquired by them under the Act of 1925, or any enactment repealed by that Act, or under the Act of 1930, or this Act, and the purchaser of the land or the person taking the land in exchange has entered into an agreement with the local authority concerning the land; or

(*b*) an owner of any land has entered into an agreement with the local authority concerning the land for the purposes of any of the provisions of the said Acts;

then, if the agreement has been recorded in the appropriate register of sasines, it shall be enforceable at the instance

PART VI. —*cont.*

of the authority against persons deriving title from the person who entered into the agreement:

Provided that no such agreement shall at any time be enforceable against any party who has in bona fide onerously acquired right (whether completed by infeftment or not) to the land prior to the recording of the agreement as aforesaid or against any person deriving title from such party.

(2) Section ninety-one of the Act of 1925 shall cease to have effect.

Byelaws.

70.—(1) A local authority may, and if required by the Department shall, make, with respect to houses used or intended to be used for human habitation, byelaws regarding any of the following matters and applying as follows, that is to say—

(i) byelaws applying to new houses, regarding—

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

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

(*c*) the provision of open spaces about houses;

(*d*) stability;

(*e*) the deafening of walls and floors;

(*f*) the height of ceilings;

(ii) byelaws applying to new houses and existing houses regarding—

(*g*) the subdivision of houses;

(*h*) the registration and inspection of houses;

(iii) byelaws applying to new houses and, so far as is reasonably practicable, to existing houses, regarding—

(*i*) the provision of hand-rails for staircases;

(*j*) the provision of suitable access;

(*k*) the prevention of and safety from fire;

(*l*) ventilation and admission of light;

(*m*) the provision of a separate watercloset, bath, scullery, larder, adequate press accom-

modation, and accommodation for the storage of coal for each house, and facilities for washing and drying clothes, and for the cooking of food;

(*n*) the lighting of rooms and staircases.

A byelaw made under paragraph (iii) of this subsection shall not, in so far as it requires the execution of works, be enforceable as regards an existing house, unless the local authority have served on the owner of the house a notice requiring the execution of the works and such notice has become operative in pursuance of section twenty of the Act of 1930 as applied by the next succeeding subsection.

In this subsection the expression " existing house " means a house erected or in the course of erection at the time when such byelaws come into force or a house the plans for the erection of which have been approved at that time; the expression " new house " means a house other than as aforesaid; and the expression " reasonably practicable " means reasonably practicable in all the circumstances including the expense involved in carrying out the operations required by the byelaw.

(2) Section twenty of the Act of 1930 (which relates to appeals against orders and the date of coming into operation of orders) shall apply to a notice under the last foregoing subsection in like manner as if it were a notice under Part II of the said Act.

(3) Byelaws made under this section by a local authority being a county council may be limited to particular parts of the authority's district or may make differential provisions as respects different parts of their district.

(4) Where a local authority, after being required by the Department to make byelaws with respect to any of the matters specified in subsection (1) of this section, fail within such period as the Department may specify to make, with respect to those matters, byelaws which are in the opinion of the Department sufficient and satisfactory, the Department themselves may make such byelaws, which shall be of the like force and effect as if they had been made by the local authority, and confirmed.

PART VI. —*cont.*

Provisions as to caravans and other movable forms of shelter.

71. The provisions of Part I of the Act of 1930 relating to buildings included in an area to which a clearance order relates, and of Part II of that Act relating to dwelling-houses, shall have effect in relation to any hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been on the same site or a site in the immediate vicinity for a period of two years next before action is taken under those provisions, in like manner as if it had been a building or dwelling-house.

Extinction of rights of way in advance of purchase.

72. The provisions of subsection (1) of section thirteen of the Act of 1930 in so far as they enable a local authority with the approval of the Department to extinguish by order any public right of way over land purchased by the authority shall be extended so as to enable a local authority who have resolved to purchase under Part I of the said Act land over which a public right of way exists, to make and the Department to approve, in advance of the purchase, an order extinguishing that right as from the date on which the buildings on the land are vacated, or at the expiration of such period after that date as may be specified in the order, or as the Department in approving the order may direct.

Power of local authority to cleanse from vermin building to be demolished under clearance or demolition order.

73.—(1) If it appears to the local authority that a building to which a clearance order or a demolition order under section sixteen of the Act of 1930 applies requires to be cleansed from vermin, the authority may, at any time after the order is made, serve notice in writing on the owner or owners of the building that the authority intend to cleanse it before it is demolished.

(2) A local authority who have served a notice under the foregoing subsection may, at any time after the order has become operative in relation to the building and it has been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and the demolition of the building shall not be begun or continued by any owner after service of the notice on him until the authority have served on him a further notice authorising him to proceed with the demolition:

Provided that an owner upon whom a notice has been served under the foregoing subsection may, at any time after the building has been vacated, serve notice in

PART VI. —*cont.*

writing on the authority requiring them to carry out the work within fourteen days from receipt of the notice served by him, and at the expiration of that period shall be at liberty to proceed with the demolition of the building whether the work has then been completed or not.

(3) Where a local authority serve notice under subsection (1) of this section in relation to a building, subsection (4) of section two, and subsection (1) of section nineteen, as the case may be, of the Act of 1930, shall have effect in relation to the building subject to the proviso that the local authority shall not be entitled to take action thereunder until the expiration of three months from the date on which the owner or owners become entitled by virtue of subsection (2) of this section to proceed with the demolition.

Exclusion on certain appeals of questions not raised on consideration by local authority.

74. The following additional proviso shall be inserted at the end of subsection (1) of section twenty of the Act of 1930 :—

> " (iii) a person who has been served with a notice under subsection (1) of section sixteen of this Act shall not be entitled to raise any question on an appeal under paragraph (*d*) or paragraph (*e*) of this subsection against a demolition order or a closing order, if the question is one which was not raised by him at the consideration of the matter by the local authority, and which, if it had then been raised, could have been dealt with by means of such an undertaking as is mentioned in subsection (2) of the said section sixteen."

Duty of local authority to have regard to amenity, &c.

75.—(1) Section twenty-eight of the Act of 1930 (which imposes a duty on local authorities to have regard to amenity) shall have effect as if the words " artistic quality in the lay-out, planning and treatment of the houses to be provided " had been inserted therein after the words " shall have regard to."

(2) For their better advice in carrying out the requirements of the said section twenty-eight, a local authority may, and if required by the Department shall, appoint a local advisory committee including representatives of architectural and other artistic interests, and the local authority shall furnish to the Department a copy of any representation, recommendation or report made to them by the committee.

PART VI. —*cont.*

Power of Department in event of failure of local authority to exercise powers.

76.—(1) For section thirty-seven of the Act of 1930 the following section shall be substituted :—

" 37. 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 any of their powers under the Housing (Scotland) Acts, 1925 to 1935, or under the section which by section forty of the Housing, Town Planning, &c. (Scotland) Act, 1919, is directed to be substituted for section one hundred and twenty-five of the Public Health (Scotland) Act, 1897, in any case where these powers ought to have been exercised; or

60 & 61 Vict. c. 38.

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

the Department may cause a public local inquiry to be held, and if, after the inquiry has been held, they are satisfied that there has been such a failure on the part of the local authority, they may, after giving the local authority an opportunity of making representations, make an order rendering exercisable by the Department such of the aforesaid powers of the local authority as may be specified in the order."

(2) Subsection (1) of section one hundred and forty-six of the Public Health (Scotland) Act, 1897, (which relates to procedure on neglect of their duty by a local authority) shall have effect as if the duties imposed by section twenty of the Act of 1925 were duties imposed by the first mentioned Act.

(3) Section one hundred and forty-seven of the Public Health (Scotland) Act, 1897, (which makes provision for refusal or neglect of a local authority) shall be

amended by the insertion after the word "herein" of the words "or in the Burgh Police (Scotland) Act, 1892, or in the Housing (Scotland) Acts, 1925 to 1935." 55 & 56 Vict. c. 55.

Service of notices as to compulsory purchase.

77. The following sub-paragraph shall be inserted at the end of paragraph 2 of Part I of the Second Schedule to the Act of 1930 (which paragraph specifies the modifications subject to which the Lands Clauses Acts are to be incorporated in compulsory purchase orders):—

"(iv) Notwithstanding anything in section eighteen of the Lands Clauses Consolidation (Scotland) Act, 1845, all notices required to be served by the local authority may be served and addressed in the manner specified in section one hundred and one of the Housing (Scotland) Act, 1925, in relation to notices required to be served under that Act."

Amendment of Part II of Third Schedule to Act of 1930.

78.—(1) The following paragraph shall be substituted for paragraph one of Part II of the Third Schedule to the Act of 1930:—

"1.—(*a*) 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, 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;

(*b*) If the arbiter is satisfied with respect to any premises that the rental thereof was higher than that generally obtained at the time for similar premises in the locality and that such enhanced rental was obtained by reason of the premises being overcrowded within the meaning of Part I of the Housing (Scotland) Act, 1935, the compensation shall, so far as it is based on rental, be based on the rental so generally obtained."

(2) At the end of paragraph 3 of the said Part II the following words shall be inserted:—

"but before tendering evidence as to sanitation or repair, the authority shall furnish to the arbiter and to the claimant a statement in writing of the respects in which the premises are alleged to be so defective".

PART VI. —*cont.*

(3) At the end of the said Part II the following additional paragraph shall be inserted :—

"6. The arbiter shall embody in his award a statement showing separately whether compensation has been reduced by reference to the use of the premises for illegal purposes, to overcrowding, to the considerations mentioned in paragraph 2 of this Part of this Schedule, and to the considerations mentioned in paragraph 4 thereof, and the amount (if any) by which compensation has been reduced by reference to each of those matters."

Inquiries to be held by person selected from a panel.

79.—(1) Where, under the Act of 1925, the Act of 1930 or this Act, the Department are required to cause a public local inquiry to be held, the person to be appointed by the Department to hold the inquiry shall be selected from a panel set up by the Lord President of the Court of Session, the Lord Justice Clerk, and the Chairman of the Scottish Branch of the Chartered Surveyors' Institution, in consultation with the Department.

(2) Subsection (2) of section ninety-six of the Act of 1925 (which relates to local inquiries) shall have effect as if the reference therein to subsection (1) of that section included a reference to subsection (1) of this section.

(3) This section shall come into operation on the first day of November, nineteen hundred and thirty-five.

Protection for superiors of and holders of heritable securities over subjects included in clearance or compulsory purchase orders or re-development plans.

80.—(1) Before submitting to the Department for confirmation a clearance order, or a compulsory purchase order for the purposes of Part I of the Act of 1930 or of the provisions of Part I of this Act relating to re-development areas, the local authority shall require the owner of any subjects to which the order relates, to furnish a written statement specifying the name and address of the superior of, and the holder of any heritable security over, such subjects.

(2) Where a local authority are required by subsection (3) of section fourteen of this Act to serve a notice regarding a re-development plan on the owner of any subjects, they shall require such owner to furnish a written statement specifying the name and address of the superior of, and the holder of any heritable security over, those subjects.

PART VI. —*cont.*

(3) A local authority to whom the name and address of any person has been furnished in pursuance of either of the two foregoing subsections by the owner of any subjects shall serve on that person the like notice as they are required to serve on the owner.

(4) If any person fails to give the local authority any information required by them under subsection (1) or subsection (2) of this section, or knowingly makes any misstatement with reference thereto, he shall be liable on summary conviction to a fine not exceeding five pounds.

Power of local authority to make allowances to shopkeepers in respect of loss in certain cases.

81. Where, as a result of action taken by a local authority under Part I of the Act of 1930 or under the provisions of Part I of this Act relating to re-development areas, the population of the locality is materially decreased, they may pay to any person carrying on a retail shop in the locality such reasonable allowance as they may think fit towards any loss which, in their opinion, he will thereby sustain, but in estimating any such loss they shall have regard to the probable future development of the locality.

Provisions as to apparatus of public undertakers in land dealt with by local authority under the Housing (Scotland) Acts.

82.—(1) Where the removal or alteration of apparatus belonging to public undertakers on, under, or over land purchased by a local authority under Part I of the Act of 1930 or under section fifteen of this Act, or on, under, or over a street running over, or through, or adjoining any such land is reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred upon them by Part I of the Act of 1930 or the provisions of Part I of this Act relating to re-development areas, the local authority shall have power to execute works for the removal or alteration of the apparatus subject to and in accordance with the provisions of this section.

(2) A local authority who intend to remove or alter any apparatus under the powers conferred by the foregoing subsection shall serve on the undertakers notice in writing of their intention, with particulars of the proposed works and of the manner in which they are to be executed and plans and sections thereof, and shall not commence any works until the expiration of a period of twenty-eight days from the date of service of the notice,

PART VI. —*cont.*

and the undertakers may within that period by notice in writing served on the authority—

(*a*) object to the execution of the works or any of them on the ground that they are not necessary for the purpose aforesaid; or

(*b*) state requirements to which in their opinion effect ought to be given as to the manner of, or the observance of conditions in, the execution of the works, as to the execution of other works for the protection of other apparatus belonging to the undertakers, or as to the execution of other works for the provision of substituted apparatus whether permanent or temporary;

and—

(i) if objection is so made to any works and not withdrawn, the local authority shall not execute the works unless they are determined by arbitration to be so necessary;

(ii) if any such requirement as aforesaid is so made and not withdrawn, the local authority shall give effect thereto unless it is determined by arbitration to be unreasonable.

(3) A local authority shall make to public undertakers reasonable compensation for any damage which is sustained by them by reason of the execution by the authority of any works under subsection (1) of this section and which is not made good by the provision of substituted apparatus. Any question as to the right of undertakers to recover compensation under this subsection or as to the amount thereof shall be determined by arbitration.

(4) Where the removal or alteration of apparatus belonging to public undertakers or the execution of works for the provision of substituted apparatus whether permanent or temporary is reasonably necessary for the purposes of their undertaking by reason of the stopping up, diversion, or alteration of the level or width of a street by a local authority under powers exercisable by virtue of the Act of 1925, the Act of 1930, or this Act, they may, by notice in writing served on the authority, require them at the expense of the authority to remove or

PART VI. —*cont.*

alter the apparatus, or to execute the works, and where any such requirement is so made and not withdrawn, the local authority shall give effect thereto unless they serve notice in writing on the undertakers of their objection to the requirement within twenty-eight days from the date of service of the notice upon them and the requirement is determined by arbitration to be unreasonable.

(5) At least seven days before commencing any works which they are authorised or required under the foregoing provisions of this section to execute, the local authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention so to do, and the works shall be executed by the authority under the superintendence (at the expense of the authority) and to the reasonable satisfaction, of the undertakers:

Provided that, if within seven days from the date of service on them of notice under this subsection the undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the authority, and the reasonable costs thereof shall be repaid to the undertakers by the authority.

(6) Any difference arising between public undertakers and a local authority under the last foregoing subsection and any matter which is by virtue of the foregoing provisions of this section to be determined by arbitration shall—

(*a*) in the case of a question arising under subsection (3) of this section, unless the authority and the undertakers otherwise agree, be referred to and determined by an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, who shall have the like powers in respect of procedure, costs, and the statement of special cases as he has under that Act;

(*b*) in any other case be referred to and determined by an arbiter to be appointed, in default of agreement, by the Department.

(7) In section thirteen of the Act of 1930 the following subsection shall be substituted for subsection (2):—

"(2) Upon the completion by a local authority of the purchase by them of any land under this

PART VI. —*cont.*

Part of this Act, all private rights of way and all rights of laying down, erecting, continuing, or maintaining any apparatus on, under, or over that land, and all other rights or servitudes in or relating to that land, shall be extinguished, and any such apparatus shall vest in the local authority, and any person who suffers loss by the extinguishment or vesting of any such right or apparatus 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:

Provided that this subsection shall not apply to any right vested in public undertakers of laying down, erecting, continuing, or maintaining any apparatus or to any apparatus belonging to public undertakers and shall have effect as respects other matters subject to any agreement which may be made between the local authority and the person in or to whom the right or apparatus in question is vested or belongs."

(8) In this section references to the alteration of apparatus include references to diversion and to alterations of position or level.

Amendments of Small Dwellings Acquisition (Scotland) Acts.

83.—(1) The limit on the market value of houses in respect of which an advance may be made under the Small Dwellings Acquisition (Scotland) Acts, 1899 to 1923, shall be reduced from twelve hundred pounds to eight hundred pounds.

(2) The rate of interest on advances under the said Acts shall, as regards advances made after the commencement of this Act, be a rate one quarter per cent. in excess of the rate of interest which, one month before the date on which the terms of the advance are settled, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part III of the Act of 1925.

General.

Authentication of certificates.

84. Any document purporting to be a certificate of a local authority named therein issued for any of the purposes of this Act and to be signed by the clerk to

PART VI. —*cont.*

that authority shall be received in evidence and be deemed to be such a certificate without further proof unless the contrary is shown.

Fair wages.

85. It shall be the duty of every local authority by whom housing accommodation is provided under the enactments relating to the housing of the working classes after the commencement of this Act, whether with or without financial assistance from the Government, to secure the insertion in all contracts relating to such provision of a fair wages clause, complying with the requirements of any resolution of the Commons House of Parliament for the time being in force with respect to contracts of government departments.

Interpretation.

86.—(1) In this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

"The Act of 1919" means the Housing, Town Planning, &c. (Scotland) Act, 1919: 9 & 10 Geo. 5. c. 60.

"The Act of 1923" means the Housing, &c. Act, 1923: 13 & 14 Geo. 5. c. 24.

"The Act of 1924" means the Housing (Financial Provisions) Act, 1924: 14 & 15 Geo. 5. c. 35.

"The Act of 1925" means the Housing (Scotland) Act, 1925: 15 & 16 Geo. 5. c. 15.

"The Act of 1930" means the Housing (Scotland) Act, 1930: 20 & 21 Geo. 5. c. 40.

"The Act of 1931" means the Housing (Rural Authorities) Act, 1931: 21 & 22 Geo. 5. c. 39.

"The Act of 1933" means the Housing (Financial Provisions) (Scotland) Act, 1933: 23 & 24 Geo. 5. c. 16.

"The Housing (Scotland) Acts, 1919 to 1933," means the Acts referred to in the foregoing definitions and the Housing (Rural Workers) Acts, 1926 and 1931:

"Apparatus" means sewers, drains, culverts, watercourses, mains, pipes, valves, tubes, cables, wires, transformers, and other apparatus laid down or used for or in connection with the carrying, conveying, or supplying to any premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps:

PART VI. —*cont.*

"The appointed day" means such day as the Department may appoint, and the Department may fix different days for different localities, so however that the Department shall not fix a day for any locality until they are satisfied that the greater part of the additional housing accommodation shown by the report made under subsection (1) of section one of this Act to be required in the locality has been provided:

"The appropriate rate" means the public health general assessment:

"Housing Association" has the meaning assigned to it by section twenty-five of this Act:

"Large burgh" has the like meaning as in the Local Government (Scotland) Act, 1929:

"Loan charges" means, in relation to any borrowed moneys, the sums required for the payment of interest on those moneys and for the repayment thereof either by instalments or by means of a sinking fund:

"Planning scheme" means a scheme made under the Town Planning (Scotland) Act, 1925, or the Town and Country Planning (Scotland) Act, 1932, or any enactment repealed by either of those Acts:

15 & 16 Geo. 5. c. 17. 22 & 23 Geo. 5. c. 49.

"Public undertakers" means any corporation, company, body, or person carrying on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking:

"Superior" includes the creditor in a ground annual.

(2) In the Act of 1930, unless the context otherwise requires, the expression "this or the principal Act" shall be construed as including references to the Act of 1925, the Act of 1930 and this Act.

(3) Any provision of this Act containing a reference to the sixteenth or to the fifteenth day of May shall, in its application to a local authority whose financial year begins on a day other than the sixteenth day of May, have effect with the substitution of that other day for the sixteenth day of May, and of the day on which that

authority's financial year ends for the fifteenth day of May. PART VI. —*cont.*

Consequential, drafting and other minor amendments.

87. The amendments specified in the second column of the Fifth Schedule to this Act, being—

(i) as respects those contained in Part I of the said Schedule, consequential amendments; and

(ii) as respects those contained in Part II of the said Schedule, drafting amendments or other amendments of a minor character designed to facilitate consolidation by removing inconsistencies of language and repealing obsolete provisions,

shall be made in the enactments specified in the first column of the said Schedule.

Repeals.

88. The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, as from the dates specified therein:

Provided that any byelaws made under any enactments repealed by this Act shall continue to have effect in so far as they could have been made under section seventy of this Act.

Short title, construction and extent.

89.—(1) This Act may be cited as the Housing (Scotland) Act, 1935, and the Act of 1925, the Act of 1930, and this Act may be cited together as the Housing (Scotland) Acts, 1925 to 1935.

(2) This Act, except sections thirty-four, thirty-five and eighty-three thereof, shall be construed as one with the Act of 1925 and the Act of 1930, and sections thirty-four and thirty-five of this Act shall be construed as one with the Housing (Rural Workers) Acts, 1926 and 1931.

(3) Unless the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

(4) This Act shall extend only to Scotland.

SCHEDULES.

Sections 2, 4, 7, 12.

FIRST SCHEDULE.

NUMBER OF PERSONS PERMITTED TO USE A HOUSE FOR SLEEPING.

For the purposes of Part I of this Act the expression "the permitted number of persons" means, in relation to any dwelling-house, either—

(*a*) the number specified in the second column of Table I in the annex hereto in relation to a house consisting of the number of rooms of which that house consists; or

(*b*) the aggregate for all the rooms in the house obtained by reckoning, for each room therein of the floor area specified in the first column of Table II in the annex hereto, the number specified in the second column of that Table in relation to that area,

whichever is the less :

Provided that in computing for the purposes of the said Table I the number of rooms in a house, no regard shall be had to any room having a floor area of less than 50 square feet.

ANNEX.

Table I.

Where a house consists of—

(*a*) One room - - -	2.
(*b*) Two rooms - - -	3.
(*c*) Three rooms - -	5.
(*d*) Four rooms - -	7½.
(*e*) Five rooms or more -	10, with an additional 2 in respect of each room in excess of five.

Table II.

1st Sch. —*cont.*

Where the floor area of a room is—

(*a*) 110 sq. ft. or more -	2.
(*b*) 90 sq. ft. or more, but less than 110 sq. ft. - -	1½.
(*c*) 70 sq. ft. or more, but less than 90 sq. ft. - -	1.
(*d*) 50 sq. ft. or more, but less than 70 sq. ft. - -	½.
(*e*) Under 50 sq. ft. - -	Nil.



SECOND SCHEDULE.

Section 15.

PROVISIONS AS TO THE COMPULSORY PURCHASE OF LAND IN CONNECTION WITH RE-DEVELOPMENT IN ACCORDANCE WITH A RE-DEVELOPMENT PLAN.

1. A compulsory purchase order shall be in the prescribed form and shall describe, by reference to a map, the land to which it applies, 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. 8 & 9 Vict. c. 33. 13 & 14 Geo. 5. c. 20.

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 section seventeen of this Act relating to the assessment of compensation in respect of land purchased compulsorily as are applicable to the particular case;

(ii) 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 on which

2ND SCH. —*cont.*

notice of the order having been made is published in accordance with the provisions of this Schedule 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; and

(iii) notwithstanding anything in section eighteen of the Lands Clauses Consolidation (Scotland) Act, 1845, all notices required to be served by the local authority may be served and addressed in the manner specified in section one hundred and one of the Act of 1925 in relation to notices required to be served under that Act.

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

(*a*) publish in one or more newspapers circulating in 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 inspected; and

(*b*) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates, a notice in the prescribed form 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. If any objection is duly made in writing by any of the persons upon whom notices are required to be served under the last foregoing paragraph, or by the superior of, or holder of a heritable security over, any land to which the order relates, stating as the ground thereof either—

(*a*) that any house indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit ought not to have been so indicated; or

(*b*) in the case of land in the re-development area, that the objector is prepared to enter into arrangements for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan; or

2ND SCH. —*cont.*

(c) in the case of land outside the re-development area, any matter not being a matter which in the opinion of the Department can be dealt with by the arbiter by whom the compensation is to be assessed;

the Department shall, unless the objection is withdrawn, cause a public local inquiry to be held with respect thereto 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; and in any other case the Department may confirm the order with or without modification and either after, or without, causing a public local inquiry to be held:

Provided that the order as confirmed by the Department shall not—

(i) 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; or

(ii) authorise the local authority to purchase, as being a house unfit for human habitation and not capable at reasonable expense of being rendered so fit, any house not indicated in the order as submitted as being in that condition.

5. In construing, for the purposes 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.

6. So soon as may be after the 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 inspected, and shall serve a like notice on every person who, having given notice to the Department of his objection to the order, appeared at a public local inquiry in support of his objection.

Sections 37, 38, 40, 41 49.

THIRD SCHEDULE.

PART I.

ENACTMENTS PROVIDING FOR EXCHEQUER CONTRIBUTIONS.

1. Section five of the Act of 1919.
2. Paragraph (*b*) of subsection (1) of section one of the Act of 1923 (as originally enacted).
3. Subsection (3) of section one of the Act of 1923.
4. Paragraph (*b*) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924).
5. Section twenty-three of the Act of 1930.
6. Section one of the Act of 1931.
7. Section one of the Act of 1933.
8. Part III of this Act.

PART II.

PROVISIONS AS TO THE DETERMINATION OF THE AMOUNT OF CERTAIN EXCHEQUER CONTRIBUTIONS PAYABLE UNDER SECTION 5 OF THE ACT OF 1919, AND SUBSECTION (3) OF SECTION 1 OF THE ACT OF 1923.

Contributions under S. 5 of the Act of 1919.

1. For the purposes of this Schedule—

(*a*) a scheme under the Act of 1919 means a scheme to which section five of that Act applies, other than a scheme for the provision of houses for persons in the employment of, or paid by, a local authority;

(*b*) all schemes and parts of schemes under the Act of 1919 which a local authority are for the time being administering shall be deemed to be a single scheme carried out by the authority.

2. Notwithstanding anything in any enactment, the amount of the Exchequer contribution for any financial year under section five of the Act of 1919 towards the loss resulting from

the carrying out of a scheme under the Act of 1919 by a local authority shall be the amount, if any, by which the estimated loss for that year in respect of the scheme, ascertained as provided by paragraphs 3 to 7 of this Part of this Schedule, exceeds an amount equal to the produce (ascertained as provided by paragraph 8 of this Part of this Schedule) of a rate of four-fifths of one penny in the pound for that year levied in the authority's district.

3. The estimated loss for any financial year shall be the amount by which the estimated expenditure for that year in respect of the scheme exceeds the estimated income for that year.

4. The estimated income for any financial year shall be the sum of the estimated annual rent income (that is to say an amount equal to the aggregate annual rents of the houses provided or acquired by the authority under the scheme which, as at the fifteenth day of May, nineteen hundred and thirty-five, are accepted by the Department for the purpose of the determination of the Exchequer contribution payable in respect of the scheme) and any other items of income which, in the opinion of the Department, may properly be taken into account.

5. The estimated expenditure for any financial year shall be determined in the following manner:—

(1) there shall be ascertained—

(*a*) the aggregate amount of the charges during the five years ending on the fifteenth day of May, nineteen hundred and thirty-five, in respect of supervision and management, repairs, unoccupied houses and irrecoverable rents, accepted by the Department for the purpose of the determination of the Exchequer contribution payable in respect of the scheme, exclusive of expenditure, if any, incurred during the said five years on repairs of an abnormal and non-recurring nature and of sums, if any, written off during the said five years in respect of arrears of rents which had occurred in exceptional circumstances:

Provided that, where in consequence of the operation of paragraph (2) (*b*) of Article 7 of the Local Authorities (Assisted Housing Schemes) Amendment Regulations (Scotland), 1933, no charge or a charge of less than fifteen per cent. of the gross estimated rent within the meaning of the said regulations was made in respect of repairs in any one of the said five years, a charge equal to the said fifteen per cent. shall be deemed to have been made in that year;

3RD SCH. —*cont.*

(*b*) the aggregate amount of the gross estimated rent income during the five years ending on the fifteenth day of May, nineteen hundred and thirty-five, as accepted by the Department for the purpose of the determination of the Exchequer contribution payable in respect of the scheme;

(*c*) the aggregate of, first, the amount which bears the same proportion to the estimated annual rent income as the amount ascertained under head (*a*) of this sub-paragraph bears to the amount ascertained under head (*b*) thereof and, second, an amount equal to two per cent. of the estimated annual rent income;

(*d*) the aggregate amount of loan charges for the year in respect of money borrowed for the purposes of the scheme, reduced by the amount, if any, of loan charges for the year relating to expenditure not approved by the Department for the purpose of the determination of the Exchequer contribution payable in respect of the scheme;

(*e*) The owners' rates for the year and any other items of expenditure which, in the opinion of the Department, may properly be taken into account:

Provided that, where moneys borrowed for the purposes of the scheme are repaid by means of a reborrowing, the rate of interest by which the loan charges in respect of those moneys are to be determined for the purposes of head (*d*) of this sub-paragraph shall, unless the Department otherwise direct, be the rate at which the moneys are reborrowed, or the rate which, at the date of reborrowing, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part III of the Act of 1925, whichever is the less.

(2) The estimated expenditure for the financial year shall be the sum of the amounts ascertained under heads (*c*), (*d*) and (*e*) of the foregoing sub-paragraph.

6. If and to the extent to which an agreement made before the sixteenth day of May, nineteen hundred and thirty-five, by a local authority with the Department under regulations made in pursuance of subsection (2) of section thirty-three of the Act of 1930 provides for the determination of the estimated annual loss resulting from the carrying out of a scheme under the Act of 1919 or of any item of estimated income or expenditure, that matter shall be determined in the manner provided in the agreement and not in the manner provided in the foregoing provisions of this Part of this Schedule.

3RD SCH. —*cont.*

7. Where, after the fifteenth day of May, nineteen hundred and thirty-five, the number of dwellings included in a scheme under the Act of 1919 is changed by reason of the sale of houses, closing or demolition of huts or other temporary dwellings, alterations of boundaries, or otherwise, the Department may make such adjustments of the amounts of the estimated losses in respect of periods subsequent to the date of change as they may deem equitable.

8. In relation to a scheme under the Act of 1919, the produce of a rate of four-fifths of one penny in the pound for any financial year levied in any district shall be deemed to be that proportion of the produce of the consolidated rate which four-fifths of one penny bears to the total amount in the pound of the consolidated rate.

For the purposes of this paragraph, the produce of the consolidated rate for any year shall be deemed to be the amount realised in that year by the collection of the consolidated rate levied for that or any previous year, and the total amount in the pound of the consolidated rate shall be deemed to be such sum as bears to a pound the same ratio as the aggregate of the sums assessed for by that rate bears to the mean of (*a*) the total of the rateable values of lands and heritages in the district on which the share of rates payable by owners is assessed and (*b*) the total of such values on which the share of rates payable by occupiers is assessed.

Contributions under S. 1 (3) *of the Act of* 1923.

9. Notwithstanding anything in any enactment, the amount of the Exchequer contribution for any financial year under subsection (3) of section one of the Act of 1923 towards the expenses incurred by a local authority in carrying out a scheme to which that subsection applies shall be an amount equal to one-half of the estimated loss for that year incurred in carrying out the scheme, ascertained as provided by paragraphs 3 to 7 of this Part of this Schedule, subject to such modifications as the Department, with the approval of the Treasury, may determine to be necessary having regard to the date of the completion of the operations or expedient in all the circumstances.

PART III.

LOCAL AUTHORITIES' CONTRIBUTIONS.

1. In respect of a scheme carried out by the local authority under the Act of 1919, a contribution for each financial year during the remainder of the period during which loan charges in respect of money borrowed for the purposes of the scheme

3RD SCH. —*cont.*

are payable, of an amount equal to the produce, ascertained as provided by paragraph 8 of Part II of this Schedule, of a rate of four-fifths of one penny in the pound for that year, levied in the authority's district, together with the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Department for the purpose of the determination of the Exchequer contribution:

Provided that, in respect of any year during which no contributions are payable by the Department in respect of the scheme, this paragraph shall have effect with the substitution, for the reference to an amount equal to the produce of such a rate as is therein mentioned, of a reference to an amount equal to the estimated loss (ascertained as provided by paragraphs 3 to 7 of Part II of this Schedule) for that year in respect of the scheme.

2. In respect of a house in respect of which the Department have undertaken under paragraph (*b*) of subsection (1) of section one of the Act of 1923 as originally enacted, to pay an Exchequer contribution payable to the local authority, a contribution for each financial year during the remainder of the period of twenty years from the completion of the house, of an amount equal to the amount of the Exchequer contribution in respect of the house for that year, or, an amount equal to the average annual expenditure defrayed out of rates in respect of the house during the five financial years ending on the fifteenth day of May, nineteen hundred and thirty-five, whichever is the less.

3. In respect of a scheme in respect of which an Exchequer contribution is payable to the local authority under subsection (3) of section one of the Act of 1923, a contribution for each financial year for which the Exchequer contribution is so payable, of an amount equal to the amount of the Exchequer contribution for that year, together with the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Department for the purpose of the determination of the Exchequer contribution.

4. In respect of a house in respect of which the Department have undertaken under paragraph (*b*) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924 but not as further amended by section one of the Act of 1933) to pay an Exchequer contribution payable to the local authority, a contribution for each financial year during the remainder of the period of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years, or, in the case of a house completed after the thirtieth day of June, nineteen hundred and thirty-four, one pound ten shillings a year payable for a period of forty years:

3RD SCH. —*cont.*

Provided that, where immediately before the sixteenth day of May, nineteen hundred and thirty-five, the amount of the annual expenses to be borne by the local rate, as estimated for the purpose of compliance with the requirements of paragraph (*e*) of subsection (1) of section three of the Act of 1924, or of subsection (7) of section one of the Act of 1931, as the case may be, was a sum less than the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years, or one pound ten shillings a year payable for a period of forty years, as the case may be, the annual amount of the contribution shall be that lesser sum.

5. In respect of a house in respect of which the Department have undertaken to pay an Exchequer contribution under section twenty-three of the Act of 1930, a contribution for each financial year during the period, or remainder of the period, as the case may be, of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years.

6. In respect of a house in respect of which the Department have undertaken to pay an Exchequer contribution under paragraph (*b*) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924 and by section one of the Act of 1933) a contribution for each financial year during the period, or the remainder of the period, as the case may be of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to one pound ten shillings a year payable for a period of forty years.

7. The contributions payable by the local authority under section thirty-one of this Act.

8. The contributions payable by the local authority under section thirty-six of this Act.

9. Where in any financial year a deficit is shown in the Housing Revenue Account, a contribution (in this Act referred to as an additional contribution) for that financial year of an amount equal to the amount of the deficit.

10. Where—

(*a*) a local authority satisfy the Department that their contribution in respect of such houses as are mentioned in paragraph 2, 4, or 5 of this Part of this Schedule should, having regard to the extent to which repayment or provision for repayment of money borrowed for expenditure in connection with the provision of the houses has been made before the sixteenth day of

3RD SCH. —*cont.*

May, nineteen hundred and thirty-five, be of an amount less than the amount specified in that paragraph; or

(*b*) a local authority are of opinion that their contribution in respect of such houses as are mentioned in paragraph 4, 5, or 6 of this Part of this Schedule should, having regard to the arrangements made for repaying money borrowed for expenditure in connection with the provision of the houses, be of an amount equivalent to the amount specified in that paragraph for a less period than the period therein specified for the payment of the contribution;

the provisions of that paragraph shall have effect in the case of that authority subject to such modifications as the Department may determine.

Section 48.

FOURTH SCHEDULE.

ENACTMENTS WITH RESPECT TO CONDITIONS AFFECTING LOCAL AUTHORITIES' HOUSES CEASING TO HAVE EFFECT.

The Act of 1924—	
Section two -	In subsection (1), the words " if the houses are " subject to special conditions as hereinafter " provided in this Act," so far as regards houses provided by a local authority.
Section three	Subsection (1).
The Housing Act, 1930—	
Section forty-four.	Subsection (1), so far as regards subsection (1) of section three of the Act of 1924.
The Act of 1930—	
Section twenty-three.	In subsection (1), the words from " and to such conditions " to " they may determine ".
	In subsection (4), the words " Save as otherwise provided in the next succeeding subsection " and the words from " unless the local authority " to " provided by them or ".
	In subsection (5) the words from " notwithstanding that " to the end of the subsection.
Section twenty-four.	The whole section, so far as regards houses provided by a local authority.

4TH SCH. —*cont.*

The Act of 1930—*cont.*

Section twenty-six.	The whole section.
Section thirty-nine.	Subsection (5).

The Act of 1931—

Section one -	In subsection (1), the words " on such conditions " as he may with the like approval deter- " mine "; and subsection (7).

The Act of 1933—

Section one -	In subsection (1), the words " if the house is " subject to special conditions as provided in " the Act of 1924 "; and subsection (2).

FIFTH SCHEDULE.

Section 87.

CONSEQUENTIAL, DRAFTING AND MINOR AMENDMENTS.

PART I.

CONSEQUENTIAL AMENDMENTS.

The Act of 1925—

In section thirty-two, in subsection (1), after the words " or a compulsory purchase order " there shall be inserted the words " or a redevelopment plan, or any superior of ", and at the end of the said subsection there shall be added the words " or redevelopment plan ".

In section thirty-two, in subsection (2), after the words " compulsory purchase order " there shall be inserted the words " or redevelopment plan ".

In section seventy-three, in subsection (3), for the word " same " there shall be substituted the word " advance "; and in subsection (4), in paragraph (*b*), the word " solely " shall be omitted, and in paragraph (*c*), the words " upon the security of any land or houses solely " shall be omitted, after the words " proposed to be burdened " there shall be inserted the words " in pursuance of subsection (2A) of this section " and for the words " the houses on the land burdened " there shall be substituted the words " houses or other work on land so burdened ".

5TH SCH. —*cont.*

The Act of 1925 —*cont.*

The following paragraph shall be added at the end of section one hundred and nine—

"(*d*) for the purpose of measuring the rooms of a house in order to ascertain for the purposes of Part I of the Housing (Scotland) Act, 1935, the number of persons permitted to use the house for sleeping."

The following words shall be added at the end of section one hundred and twelve—

"or for the purpose of enabling redevelopment in accordance with a redevelopment plan to be proceeded with."

The Act of 1930

In section twelve, for subsection (2) the following subsection shall be substituted—

"(2) The compensation to be paid for a dwelling-house which is specified in a compulsory purchase order as unfit for human habitation shall be such amount as represents the value at the time the valuation is made of the site of the dwelling-house 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 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."

In section twelve, in subsection (3), for the words "other land" there shall be substituted the words "land or buildings other than as aforesaid".

In section twelve, in subsection (4), the words "dwelling-house or other", the words "or premises" and the words "or injurious or dangerous to health" shall be omitted, and for paragraphs (i) and (ii) there shall be substituted the following paragraphs—

"(i) the sum which would have been payable as compensation if the premises had been acquired by the authority under a compulsory purchase order;

"(ii) the sum which would have been so payable if the premises had been a

The Act of 1930 —*cont.*

dwelling-house specified in a compulsory purchase order as unfit for human habitation."

5TH SCH. —*cont.*

In section sixteen, in subsection (4), for the words "the principal Act" there shall be substituted the words "the Housing (Scotland) Act, 1925 (in this Act referred to as 'the principal Act')".

In section twenty-three, in paragraph (ii) of the proviso to subsection (3), for the words "injurious or dangerous to health" there shall be substituted the words "unfit for human habitation".

In the First Schedule, for paragraph 2 the following paragraph shall be substituted—

"2. A clearance order shall show separately in the prescribed manner the dwelling-houses which are unfit for human habitation."

In the First Schedule, in sub-paragraph (*b*) of paragraph 3, the words from "and also on" to "any part thereof" shall be omitted.

In the First Schedule, in paragraph 5, after the word "served" there shall be inserted the words "under paragraph 3 of this Schedule or by the superior of, or holder of a heritable security over, any building to which the order applies".

In Part I of the Second Schedule, for paragraph 3 the following paragraph shall be substituted—

"3. The order shall show separately in the prescribed manner the dwelling-houses in the clearance or improvement area which are unfit for human habitation, and, in the case of an order in connection with a clearance area, the land and buildings, if any, proposed to be purchased outside the area."

In Part I of the Second Schedule, in sub-paragraph (*b*) of paragraph 4, the words from "and also on" to "such land or buildings" shall be omitted.

In Part I of the Second Schedule, in paragraph 5, after the word "served" there shall be inserted the words "under the foregoing paragraph or by the superior of, or holder of a heritable security over, any land or

5TH SCH. —*cont.*

The Act of 1930 —*cont.*

" buildings to which the order applies " and the following provisos shall be respectively substituted for provisos (i) and (ii) :—

" (i) the Department may require any person who has made an objection to state in writing the grounds thereof and may confirm the order without causing a public local inquiry to be held if they are satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbiter by whom the compensation is to be assessed;

(ii) 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, or to purchase any building on less favourable terms with respect to compensation than the terms on which the order would have authorised them to purchase the building if the order had been confirmed without modification."

In Part II of the Second Schedule, for the words " sub-paragraphs (i) and (ii) " there shall be substituted the words " sub-paragraph (ii) ", for the words " and provisos (ii) and (iii) to paragraph 5 " there shall be substituted the words " so much of paragraph 5 as relates " to objections by superiors and holders of " heritable securities, and proviso (iii) to that " paragraph ".

PART II.

DRAFTING AND MINOR AMENDMENTS.

The Act of 1924

In section eight, after the words " the provision of houses " there shall be inserted the words " whether under this Act or any other Act ".

The Act of 1925

In subsection (2) of section two, the words from " but shall not apply " to the end of the section shall be repealed.

In section five, the words from " in a state " to " to be " shall be repealed.

In subsection (2) of section fifty-four there shall be inserted at the beginning of the subsection the words " Subject to the provisions of

5TH SCH. —*cont.*

The Act of 1925 —*cont.*

"section forty-seven of the Housing (Scot- "land) Act, 1935," and the words "by regulations" shall be repealed.

In subsection (3) of section seventy-five, for the words "Any such advance as aforesaid" there shall be substituted the words "Any "advance by a local authority under this "section".

In subsection (4) of section seventy-five, after the word "advance" where that word occurs for the fourth time, there shall be inserted the words "or guarantee".

In subsection (2) of section eighty-nine, after "purchased," in both places where that word occurs, there shall be inserted the words "or appropriated".

Section ninety-four shall be repealed.

In subsection (2) of section one hundred and one, the following words shall be added at the end "and service of a copy of an order shall be deemed to be, and always to have been, service of the order".

Section one hundred and eight shall be repealed.

In section one hundred and twelve, for the words "or in the enactments amending that Act" there shall be substituted the words "as amended by any subsequent enactment".

In the Fourth Schedule, in paragraph 1, for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) bear interest at such rate as the local authority may determine at the time of the issue of the bonds;".

The Act of 1930

In subsection (1) of section fourteen, after the word "occupied" there shall be inserted the words "or is of a type suitable for occupation".

In subsection (1) of section sixteen, after the word "occupied" there shall be inserted the words "or is of a type suitable for occupation".

In the proviso to subsection (3) of section sixteen, for the words "if the building does "not belong wholly to the same owner and "does not consist" there shall be substituted the words "unless the building belongs wholly to the same owner and consists".

In section nineteen, in subsection (2), for the words "conviction by a court of summary jurisdiction" there shall be substituted the words "summary conviction".

5TH SCH. —*cont.*

The Act of 1930 —*cont.*	In section twenty-seven, in subsection (3), for the words " conviction by a court of summary jurisdiction " there shall be substituted the words " summary conviction ".
	In section thirty-one, for the words " conviction by a court of summary jurisdiction " there shall be substituted the words " summary conviction ".
	In section forty-five for the words " this Part of this Act " there shall be substituted the words " the Housing (Scotland) Acts, 1925 to 1935 ".
	In section forty-nine, in subsection (1) the word " and " occurring after the word " undertaking " shall be omitted, and at the end of that subsection there shall be added the words " the expression ' town planning " scheme ' means a scheme made under the " Town Planning (Scotland) Act, 1925, or the " Town and Country Planning (Scotland) " Act, 1932, or any enactment repealed by " either of those Acts ".
	In section fifty, subsection (4) shall be omitted.

Section 88.

SIXTH SCHEDULE.

PART I.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT.

Session and Chapter.	Short title.	Extent of repeal.
1 Edw. 7. c. 24	The Burgh Sewerage, Drainage and Water Supply (Scotland) Act, 1901.	In section six, subsection (1).
9 & 10 Geo. 5. c. 60.	The Housing Town Planning &c. (Scotland) Act, 1919.	In section forty-three, in subsection (2), paragraphs (*d*), (*e*), (*f*) and (*g*); paragraph (*h*) so far as relating to light and ventilation, and paragraphs (*j*) and (*k*).

6TH SCH. —*cont.*

Session and Chapter.	Short title.	Extent of repeal.
13 & 14 Geo. 5. c. 24.	The Housing, &c. Act, 1923.	In section one, in subsection (1), the words "subject to such conditions as to records, certificates, audit or otherwise, as, with the approval of the Treasury, he may determine". In section twenty-two, paragraph (*b*). In section twenty-three, paragraph (18).
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	In section two, in subsection (1), the words "if the houses are subject to special conditions as hereinafter provided in this Act", so far as regards houses provided by a local authority. In section three, subsection (1).
15 & 16 Geo. 5. c. 15.	The Housing (Scotland) Act, 1925.	In section two, in subsection (2) the words from "but shall not apply" to the end of the section. In section five, the words from "in a state" to "to be." In section thirty-seven, in subsection (1), the proviso. In section forty-four, subsection (2), and in subsection (3) the words "by agreement (but not otherwise)". In section fifty-four, in subsection (2), the words "by regulations". In section fifty-nine, paragraphs (*a*), (*b*), (*c*), (*e*) and (*f*). Section seventy-seven. Section ninety-one. Section ninety-four. Section one hundred and eight. In section one hundred and nineteen, the definition of "Public utility society".

6TH SCH. —*cont.*

Session and Chapter.	Short title.	Extent of repeal.
20 & 21 Geo. 5. c. 39.	The Housing Act, 1930	In section forty-four, subsection (1), so far as regards subsection (1) of section three of the Act of 1924.
20 & 21 Geo. 5. c. 40.	The Housing (Scotland) Act, 1930.	In section two, subsection (3). In section six, subsection (1). In section ten, subsection (3). In section twelve, in subsection (4), the words "dwelling-house or other," and the words "or premises", where those words respectively first occur, and the words "or injurious or dangerous to health". In section twenty-three, in subsection (1) the words from "and to such conditions" to "they may determine"; in subsection (4) the words "Save as "otherwise provided in the "next succeeding subsec- "tion" and the words from "unless the local authority" to "provided by them or"; in subsection (5), the words from "notwithstanding that" to the end of the subsection; and subsection (7). Section twenty-four, so far as regards houses provided by a local authority. Section twenty-five. Section twenty-six. In section twenty-seven, in subsection (2), the words "or dangerous or injurious to health". Section thirty-two. Section thirty-three.

6TH SCH. —*cont.*

Session and Chapter.	Short title.	Extent of repeal.
20 & 21 Geo. 5. c. 40—*cont.*	The Housing (Scotland) Act, 1930—*cont.*	Section thirty-six, in subsection (2), the word "either" and the words "or as an improvement area" wherever those words respectively occur. Section thirty-eight. In section thirty-nine, subsection (5). Section forty. Section forty-three. In section forty-nine, in subsection one, the word "and" occurring after the word "undertaking". In section fifty, subsection (4) In the First Schedule, in sub-paragraph (*b*) of paragraph 3, the words from "and also" to "any part thereof". In Part I of the Second Schedule, in sub-paragraph (*b*) of paragraph 4, the words from "and also" to "such land or buildings". In the Third Schedule, Part I.
21 & 22 Geo. 5. c. 39.	The Housing (Rural Authorities) Act, 1931.	In section one, in subsection (1), the words "on such "conditions as he may "with the like approval "determine"; and subsection (7).
23 & 24 Geo. 5. c. 16.	The Housing (Financial Provisions) (Scotland) Act, 1933.	In section one, in subsection (1), the words "if the house "is subject to special con- "ditions, as provided in the "Act of 1924"; and subsection (2).

6TH SCH. —*cont.*

PART II.

ENACTMENT REPEALED AS FROM THE 16TH MAY 1935.

Session and Chapter.	Short title.	Extent of repeal.
13 & 14 Geo. 5. c. 24.	The Housing, &c. Act, 1923.	In section six, subsection (1), so far as in its application to Scotland it saves the validity of and the power to amend regulations made under section five of the Act of 1919, not being regulations relating to schemes for the provision of houses for persons in the employment of or paid by a local authority.

PART III.

ENACTMENTS REPEALED AS FROM THE APPOINTED DAY.

Session and Chapter.	Short title.	Extent of repeal.
3 Edw. 7. c. 33	The Burgh Police (Scotland) Act, 1903.	Sections sixty-seven and sixty-eight.
15 & 16 Geo. 5. c. 15.	The Housing (Scotland) Act, 1925.	Section fifty-nine, in so far as not otherwise repealed by this Act. Section sixty.
20 & 21 Geo. 5. c. 40.	The Housing (Scotland) Act, 1930.	In section seven, in subsection (1), paragraph (iv); and subsection (3).