Housing (Scotland) Act 1974

1974 CHAPTER 45

An Act to provide for the making of grants towards the improvement, repair and provision by conversion of housing accommodation, to make provision for housing action areas and to re-enact with amendments certain provisions of Part I of the Housing (Scotland) Act 1969, to make provision as respects landlords and tenants in housing action areas, to extend the power of local authorities to make advances for the purpose of increasing housing accommodation, to empower the Secretary of State to make payment of a subsidy in order to compensate local authorities for the loss of rents as a result of the exercise of the power conferred by section 11 of the Counter-Inflation Act 1973, to amend the provisions of Part V of the Housing (Scotland) Act 1969 relating to the improvement of amenities of residential areas, and for purposes connected therewith.

[31st July 1974]

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

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FINANCIAL ASSISTANCE TOWARDS WORKS OF IMPROVEMENT, REPAIR AND CONVERSION

Power of local authorities to make improvement grants.

1.—(1) Subject to the provisions of this Part of this Act, a local authority may give assistance by way of making a grant (in this Part of this Act referred to as an improvement grant) in respect of—

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(*a*) the provision of houses by means of the conversion of houses or other buildings;

(*b*) the improvement of houses.

(2) Subsection (1) shall not apply to houses belonging to a local authority which are eligible for an Exchequer contribution under sections 13 to 15 of the Housing (Financial Provisions) (Scotland) Act 1968.

(3) " Improvement " in this Part of this Act includes alteration and enlargement, and any reference to works required for the provision or improvement of a house, whether generally or in any particular respect, includes a reference to any works of repair or replacement needed in the opinion of the local authority paying the grant for the purpose of enabling the house to which the improvement relates to attain a good state of repair, and " improved " shall be construed accordingly.

General provisions relating to improvement grants.

2.—(1) Subject to the provisions of this Part of this Act, a local authority shall make an improvement grant if an application therefor is made in accordance with this section and approved by them.

(2) Such an application shall be in such form as may from time to time be prescribed and shall contain full particulars of—

(*a*) the works which are proposed to be or are being carried out together with plans and specifications of the works;

(*b*) the land on which those works are proposed to be or are being carried out; and

(*c*) the expenses (including any professional fees) estimated to be incurred in executing the works, and where the application relates to the provision or improvement of more than one house, the estimate shall specify the proportion of the expenses attributable to each house proposed to be provided or improved.

(3) A local authority shall not approve an application for an improvement grant—

(*a*) unless they are satisfied that the applicant is the owner, or the lessee under a lease, of which the period remaining unexpired at the date of the application is not less than five years, of every parcel of land on which the improvement works are to be or are being carried out, other than land proposed to be sold or leased to him under section 145(4) of the Housing (Scotland) Act 1966;

1966 c. 49.

(*b*) if the improvement works specified therein have been begun, unless they are satisfied that there were good reasons for beginning the works before the application was approved.

(4) The Secretary of State may give directions to any local authority or to local authorities generally, requiring that any application for an improvement grant or all such applications of any class specified in the directions shall not be approved except with the consent of the Secretary of State and subject to any conditions which he may impose; and it shall be the duty of any local authority to comply with any such directions.

Conditions for approval of applications for improvement grant other than applications relating exclusively to the provision of standard amenities.

3.—(1) A local authority may in any case, other than in respect of an application for an improvement grant to which section 7 of this Act applies, refuse to approve an application for an improvement grant on any grounds that seem to them sufficient.

(2) A local authority shall not approve any such application—

(*a*) unless they are satisfied that the house or houses to which the application for an improvement grant relates will provide satisfactory housing accommodation for such period and conform with such requirements with respect to construction and physical condition and the provision of services and amenities as may be specified for the time being for the purposes of this section by the Secretary of State;

(*b*) if the application is in respect of the improvement or conversion of a house provided after 15th June 1964, but the Secretary of State may give directions, either generally or with respect to any particular case, as to the waiving of this provision;

(*c*) if, subject to the provisions of subsection (3) below, the house to which the application relates is to be occupied by the owner thereof after completion of the works and had on the date of the application a rateable value in excess of the prescribed limit; and in this paragraph—

(i) "prescribed limit" means such limit of rateable value as the Secretary of State with the consent of the Treasury may prescribe; and different limits may be so prescribed in relation to houses to be improved and houses to be provided by the conversion of a house or houses and also in relation to houses in different areas;

(ii) "rateable value" means the rateable value entered in the valuation roll last authenticated prior to the date of the application.

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(3) Paragraph (*c*) of subsection (2) above shall not apply in relation to an application for an improvement grant for the conversion of a building which does not at the date of the application consist of or include a house.

Approval of application for improvement grant.

4.—(1) Where a local authority approve an application made under the provisions of this Part of this Act for an improvement grant, they shall notify the applicant of the amount of the expense (as estimated in the application) approved by them as being attributable to each house proposed to be provided or improved (an amount hereinafter referred to in relation to improvement works as the "approved expense" of executing those works), and of the amount payable, expressed as a percentage of the approved expense and as a cash amount.

(2) In approving an application for an improvement grant a local authority may require as a condition of paying the grant that the improvement works are carried out within such period (which must not be less than a period of twelve months) as the local authority may specify or within such further period as the local authority may allow.

(3) Where a local authority—

(*a*) refuse an application, or

(*b*) approve an application but fix as the amount of an improvement grant an amount less than that which may be fixed by virtue of section 5 or 7 of this Act,

they shall notify the applicant in writing of the grounds of their decision.

Amount of improvement grant.

5.—(1) Subject to the following provisions of this section, the amount of an improvement grant other than a grant paid under section 7 of this Act shall not exceed 50 per cent. or such other percentage as may be prescribed of the approved expense of executing the works, but the approved expense for an improvement grant including any amount allowed for the purposes of subsection (3) below shall be subject to a maximum of £2,400, or such other maximum as may be prescribed, in respect of each house to which the application relates.

(2) If, after an application for a grant has been approved by a local authority, the authority are satisfied that owing to circumstances beyond the control of the applicant the expense of the works will exceed the estimate contained in the application, they may, on receiving a further estimate, substitute a higher amount as the amount of the approved expense of executing the works, but that amount shall not exceed the maximum authorised by virtue of subsection (1) above.

(3) A local authority may allow for works of repair and replacement needed, in their opinion, for the purposes of enabling the house to attain a good state of repair,—

(*a*) where an application for an improvement grant relates wholly or partly to the provision of any or all of the standard amenities, a maximum approved expense not exceeding £800 or such other amount as may be prescribed, or 50 per cent. or such other percentage as may be prescribed of the approved expense of executing the improvement works, whichever is the greater;

(*b*) where an application does not so relate, a maximum approved expense not exceeding 50 per cent. or such other percentage as may be prescribed of the approved expense of executing the improvement works.

(4) If the local authority are satisfied that in any particular case—

(*a*) there are good reasons for fixing a higher amount than that payable by virtue of subsection (1) above, that amount may be exceeded by such amount as the Secretary of State may approve; and the approval of the Secretary of State may be given either with respect to a particular case or with respect to a particular class of case;

(*b*) the expense of executing the works was materially enhanced by measures taken to preserve the architectural or historic interest of the house or building to which the application relates, the amount payable by virtue of subsection (1) above may be exceeded by such amount as the Secretary of State may approve.

(5) In any case where—

(*a*) an improvement grant or standard grant within the meaning of Part II of the Housing (Financial Provisions) (Scotland) Act 1968, or 1968 c. 31.

(*b*) an improvement grant or repairs grant within the meaning of this Part of this Act, or

(*c*) assistance under any of the following enactments—

(i) section 1 of the Hill Farming Act 1946, 1946 c. 73.

(ii) section 77 of the Agriculture (Scotland) Act 1948, 1948 c. 45.

(iii) section 100(1)(*b*) of the Housing (Scotland) Act 1950, 1950 c. 34.

(iv) section 22(2) of the Crofters (Scotland) Act 1955, 1955 c. 21.

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1968 c. 31.

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

has been made or given in respect of a house and, within the period of 10 years beginning on the date on which that grant or assistance was paid or, if it was paid by instalments, the date on which the last instalment was paid, an improvement grant under this Part of this Act, other than a grant payable under section 7 thereof, is made in respect of that house, the amount which by virtue of subsection (1) above would be the maximum payable in relation to that improvement grant shall be reduced by the unrepaid amount, if any, of that previous grant or assistance.

(6) Where by virtue of the making on any occasion of an improvement grant in respect of the improvement of a house the conditions specified in section 9 of this Act are required to be observed with respect to the house before the observance thereof by virtue of the making of an improvement grant on a previous occasion has ceased to be requisite, the provisions of sections 9, 10 and 12(4) of, and Schedule 2 to, this Act shall apply in relation to the house as regards each occasion on which an improvement grant is so made as if it were the only occasion on which it was so made.

Payment of improvement grant.

6.—(1) An improvement grant in respect of the expenses incurred for the purpose of the execution of improvement works shall, subject to the following provisions of this section, be paid—

(*a*) within one month of the date on which, in the opinion of the local authority, the house first becomes fit for occupation after the completion of the works; or

(*b*) partly in instalments paid from time to time as the works progress and with a final settlement of the balance within one month of the completion of the works but the aggregate of the instalments paid shall not at any time before the completion of the improvement works exceed 50 per cent., or such other percentage fixed by virtue of section 5(1) or 7(4) of this Act of the aggregate approved expense of the works executed up to that time.

(2) The payment of an improvement grant or of an instalment or the balance thereof shall be conditional on the improvement works, or, as the case may be, the part of the works which the local authority consider will entitle the applicant to payment of the instalment or of the balance of the grant, being executed to the satisfaction of the local authority.

(3) Where an instalment of an improvement grant is paid before the completion of the works, and the works are not completed within twelve months of the date of payment of the

instalment, then that instalment and any further instalments paid by the local authority on account of the grant shall, on being demanded by the authority, forthwith become payable to them by the person to whom the instalments were paid, and the instalments shall carry interest at a rate calculated in accordance with the provisions of section 121(2) of the Local Government (Scotland) Act 1973 (rates of interest in relation to certain sums due to local authorities) from the date on which they were paid by the authority until repaid under this subsection. 1973 c. 65.

Duty of local authorities to make improvement grants where an application relates exclusively to the provision of standard amenities; and amount thereof.

7.—(1) Subject to the provisions of this Part of this Act, a local authority shall, where an application in that behalf is made by the owner to the local authority, give assistance in respect of the improvement of any house by the owner by way of making an improvement grant in respect of the cost of executing works required for the house to be provided with one or more of the standard amenities which it presently lacks, if on completion of the works the house will, in the opinion of the local authority—

(*a*) be provided with all of the standard amenities for the exclusive use of its occupants;

(*b*) meet the tolerable standard; and

(*c*) be likely to be available for use as a house for a period of at least 10 years.

(2) Subsection (1) above shall not apply in respect of a house which is or forms part of a house or building as regards which the local authority are satisfied that they have power to serve a notice under section 106 of the Housing (Scotland) Act 1966 (power to require execution of works of descriptions other than work to make good neglect). 1966 c. 49.

(3) Subject to subsection (5) below, the standard amenities for the purposes of this Part of this Act are the amenities which are described in the first column of Part I of Schedule I to this Act, and which will be for the exclusive use of the occupants of the house to which the application relates.

(4) The amount of an improvement grant made under this section shall be 50 per cent. or such other percentage as may be prescribed of the approved expense, which shall be subject to a limit determined in accordance with Part II of Schedule I to this Act.

(5) The Secretary of State may by order vary the provisions of Schedule I to this Act, and any other order may contain such transitional or other supplementary provisions as appear to the Secretary of State to be expedient.

(6) Section 14 of this Act shall have effect for determining whether a house meets the tolerable standard for the purposes of

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subsection (1) above as it has effect for determining whether a house meets that standard for the purposes of Part II of this Act.

Grants restricted to applicant and his personal representatives.

8.—(1) In relation to a grant or an application therefor, any reference in the preceding provisions of this Part of this Act and in subsection (2) below to the applicant shall be construed, in relation to any time after his death, as a reference to his personal representatives.

(2) If, subsequent to the approval by the local authority of the application and before the date on which, in the opinion of the local authority, the house first becomes fit for occupation after the completion of the works, an applicant for a grant ceases to have such an interest as is referred to in section 2(3)(*a*) of this Act—

(*a*) no grant shall be paid or, if any instalment of the grant was paid before the applicant ceased to have such an interest, no further instalments shall be paid ; and

(*b*) any instalment of the grant which has been paid to the applicant shall, on being demanded by the local authority who approved the application for the grant, forthwith become repayable to them by the applicant together with interest thereon at such rate as may be calculated in accordance with the provisions of section 121(2) of the Local Government (Scotland) Act 1973 (rates of interest in relation to certain sums due to local authorities) from the date on which it was paid until repayment.

1973 c. 65.

Conditions to be observed with respect to houses in respect of which an improvement grant has been made, and registration thereof.

9.—(1) Where an application for an improvement grant has been approved by a local authority, the provisions of this section shall apply with respect to the house for a period of five years beginning with the date on which, in the opinion of the local authority, it first becomes fit for occupation after the completion of the improvement works, and shall, so long as those provisions are required to be so observed, be deemed to be part of the terms of any lease or tenancy of the house and shall be enforced accordingly.

(2) It shall be a condition of the grant that—

(*a*) the house shall not be used for purposes other than those of a private dwelling-house, but a house shall not be deemed to be used for purposes other than those of a private dwelling-house by reason only that part thereof is used as a shop or office, or for business, trade or professional purposes ;

(*b*) the house shall not be occupied by the owner or a member of his family except as his only or main residence within the meaning of section 29 of the Finance Act 1965; 1965 c. 25.

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

(3) Subject to subsections (4) and (5) below, it may be a condition of the grant that the house at all times at which it is not occupied by the applicant or by a member of his family will be let or kept available for letting.

(4) Subsection (3) above shall not apply to a house provided or improved by a registered housing association or a development corporation; and "registered" has the same meaning as in section 129(2) of the Housing Act 1974. 1974 c. 44.

(5) Where a house is—

(*a*) held upon trust for any charitable purpose within the meaning of the Income and Corporation Taxes Act 1970, so long as it is occupied or kept available for occupation for that purpose, 1970 c. 10.

(*b*) occupied by a member of the agricultural population in pursuance of a contract of service and otherwise than as a tenant,

(*c*) used as a residence by a minister or full-time lay missionary of any religious denomination by virtue of his office as such minister or missionary in like manner as if he were a tenant of the house,

(*d*) occupied by a person who under a trust within the meaning of the Trusts (Scotland) Act 1921 is interested in the house or proceeds of sale thereof, 1921 c. 58.

(*e*) occupied by a person who on the death of the applicant has (whether or not in consequence of a disposition by will) become beneficially entitled to, or to an interest in, the interest of the applicant in the house or in the proceeds of sale thereof,

it shall be deemed to be let or kept available for letting.

(6) The owner of the house shall, on being required to do so by the local authority, certify that the conditions specified in subsections (2) and (3) above are being observed with respect to the house, and any tenant of the house shall, on being so required in writing by the owner, furnish to him such information as he may reasonably require for the purpose of enabling him to comply with the provisions of this subsection.

(7) A local authority shall not, as a prerequisite of approving a grant, require any conditions or obligations, other than the conditions mentioned in this Part of this Act or other statutory

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obligations to be observed with respect to a house in respect of which an improvement grant has been made under this Part of this Act.

(8) The provisions of Schedule 2 to this Act shall have effect in the event of a breach of any of the conditions mentioned in this section at a time when they are required to be observed with respect to a house.

(9) Where a local authority pay an improvement grant or, in a case where an improvement grant is payable partly in instalments as the improvement works progress and as to the balance after the completion of the works in respect of a house, the balance of an improvement grant, they shall cause to be recorded in the General Register of Sasines a notice in the prescribed form specifying—

(*a*) the conditions mentioned in this section which are required to be observed with respect to the house;

(*b*) the period for which the conditions are to be observed; and

(*c*) the provisions of Schedule 2 to this Act whereby on a breach of any of the said conditions at a time when they are required to be observed, the owner of the house becomes liable to repay to the authority the amount repayable by virtue of the said Schedule;

and the expenses of such recording shall be repaid to the local authority by the owner of the house.

Voluntary repayment of improvement grants.

10.—(1) The owner of a house in respect of the provision or improvement of which an improvement grant has been made or the holder of a heritable security over the house, being a heritable creditor entitled to exercise his power of sale, may, at any time when the conditions specified in section 9 of this Act are required to be observed with respect to the house, pay to the local authority the like amount as would become payable to them by virtue of Schedule 2 to this Act in the event of a breach of any of the conditions referred to in section 9(2) of this Act, and on the making of the payment observance with respect to the house of those conditions shall cease to be requisite and the provisions of paragraph 7 of the said Schedule 2 shall apply for the purposes of this subsection as they apply for the purposes of that schedule.

(2) A sum paid under subsection (1) of this section by a heritable creditor shall be treated as part of the sum secured by the heritable security.

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Application of this Part of this Act to houses situated in a housing action area and power of local authority to give repairs grant in such areas: and amount thereof.

11.—(1) The provisions of this Part of this Act shall apply to houses which are to be brought up to the standard specified by a local authority under section 16 or 17 of this Act and which are situated in housing action areas for improvement or for demolition and improvement within the meaning of Part II of this Act but subject to the modifications contained in subsections (2) to (6) below.

(2) In section 5(1), for " not exceed 50 per cent." there shall be substituted " be 75 per cent.".

(3) In section 6(1), for " 50 per cent." there shall be substituted " 75 per cent.".

(4) In section 12(2), for " 75 per cent." there shall be substituted " 90 per cent.".

(5) If, in the case of a house which is in a housing action area on the date on which the application is approved for a grant under section 5(1) as read with subsection (2) above, it appears to the local authority by whom the application is approved that the applicant will not without undue hardship be able to finance the cost of so much of the improvement work as is not met by the grant, they may increase the percentage under the said subsection from 75 per cent. to such percentage, not exceeding 90 per cent., as they think fit.

(6) Sections 3(1) and 7 of this Act shall not apply, but a local authority shall make an improvement grant to owners of houses situated in housing action areas as aforesaid in respect of such improvement works as may, in their opinion, be required for the house to be brought up to the standard specified by the local authority in a resolution passed under section 16 or 17 of this Act in relation to that area.

(7)—

(*a*) Subject to the provisions of subsections (8), (9) and (10) below, a local authority shall pay a grant in respect of the repair of a house (in this Part of this Act referred to as a repairs grant), if an application is made in accordance with the provisions of this section and approved by them, in such circumstances as they think fit;

(*b*) a local authority shall not approve an application for a repairs grant unless the house or, as the case may be, each of the houses to which the application relates is situated in a housing action area for improvement or for demolition and improvement within the meaning of Part II of this Act and on completion of the works the house or, as the case may be, each of the houses to

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which the application relates will attain the standard specified in the resolution passed under section 16 or 17 of this Act.

(8) In considering whether or not to exercise their discretion to approve an application for a repairs grant, a local authority shall have regard to the question whether, in their opinion, the applicant would, without undue hardship, be able to finance the expense of the relevant works without the assistance of a repairs grant.

(9) Subject to the provisions of subsection (5) above, the amount of a repairs grant shall not exceed 75 per cent., or such other percentage as may be prescribed, of the approved expense of the works, but the approved expense shall not exceed £800 or such other amount as may be prescribed in respect of each house to which the application relates.

(10) Sections 2 to 10 (other than section 5(1), (3) and (5) and section (7) of this Act and subsections (3), (4) and (5) of this section shall apply to an application for a repairs grant as they apply to an application for an improvement grant.

Exchequer contributions towards improvement or repairs grants.

12.—(1) The Secretary of State may make Exchequer contributions towards the expense incurred by a local authority in making an improvement grant or a repairs grant.

(2) Subject to any order made by the Secretary of State under subsection (5) below, an Exchequer contribution under subsection (1) above shall be a sum equal to 75 per cent. of the annual loan charges referable to the amount of the grant, payable for each of the twenty financial years beginning with the year in which were completed the works in respect of which the grant was made.

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

(4) A local authority shall pay to the Secretary of State such percentage as may have been paid to them by virtue of subsection (2) above of any sum—

(*a*) recovered by them by virtue of section 9 of this Act in consequence of a breach of any of the conditions required to be observed with respect to the house, or

(*b*) paid to them under section 10 of this Act in respect of the house.

(5) The Secretary of State may by order made with the consent of the Treasury vary, either generally or in relation to classes of houses, with respect to grants made in pursuance of applications approved by local authorities after such date as may be specified in the order, the percentages fixed by virtue of subsection (2) above:

Provided that the said percentages shall not be reduced to less than 65 per cent.

(6) An order under subsection (5) above—

(*a*) shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament; and

(*b*) shall not specify under that subsection a date earlier than the date of the laying of the draft;

and before laying such a draft the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.

PART II

SUB-STANDARD HOUSES

Houses not meeting tolerable standard

General duty of local authority in respect of houses not meeting tolerable standard.

13.—(1) It shall be the duty of every local authority to secure that all houses in their district which do not meet the tolerable standard as defined in section 14 of this Act are closed, demolished or brought up to the tolerable standard within such period as is reasonable in all the circumstances.

(2) In determining what period is reasonable for the purposes of the foregoing subsection, regard shall be had to alternative housing accommodation likely to be available for any persons who may be displaced from houses as a result of any action proposed by the local authority in pursuance of that subsection.

(3) Every local authority shall from time to time cause to be made such a survey or inspection of their district as may be necessary for the performance of the duty imposed on them by subsection (1) of this section or for the purpose of ascertaining the availability of alternative housing accommodation.

Definition of house meeting tolerable standard.

14.—(1) Subject to subsection (2) of this section, a house shall be held to meet the tolerable standard for the purposes of this Act if the house—

(*a*) is structurally stable;

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(*b*) is substantially free from rising or penetrating damp;

(*c*) has satisfactory provision for natural and artificial lighting, for ventilation and for heating;

(*d*) has an adequate piped supply of wholesome water available within the house;

(*e*) has a sink provided with a satisfactory supply of both hot and cold water within the house;

(*f*) has a water closet available for the exclusive use of the occupants of the house and suitably located within the house;

(*g*) has an effective system for the drainage and disposal of foul and surface water;

(*h*) has satisfactory facilities for the cooking of food within the house;

(*i*) has satisfactory access to all external doors and outbuildings;

and any reference in this Act to a house not meeting the tolerable standard or being brought up to the tolerable standard shall be construed accordingly.

(2) The Secretary of State may by order vary or extend or amplify the criteria set out in the foregoing subsection either generally or, after consultation with a particular local authority, in relation to the district, or any part of the district, of that authority.

1966 c. 49.

(3) This section shall be without prejudice to section 17 of the Housing (Scotland) Act 1966 (which provides that certain underground rooms shall be deemed to be houses not meeting the tolerable standard for the purposes of Part II of that Act).

Housing Action Areas

Declaration of housing action areas for demolition.

15.—(1) Where a local authority are satisfied—

(*a*) that the houses, or the greater part of the houses, in any area in their district do not meet the tolerable standard, and

(*b*) that the most effective way of dealing with the area is to apply to the area the provisions of subsection (2) below,

they may cause the area to be defined on a map and pass a draft resolution declaring the area so defined to be a housing action area for demolition, that is to say, an area which is to be dealt with in accordance with the provisions of the said subsection (2).

(2) A resolution passed under this section shall provide that a housing action area for demolition shall be dealt with by

securing the demolition of all the buildings in the area but such an area shall not include the site of a building unless at least part of the building consists of a house which does not exceed the tolerable standard.

(3) For the purposes of this section, a house in respect of which a closing order has been made and not determined shall be deemed to be a house which does not meet the tolerable standard.

Declaration of housing action areas for improvement.

16.—(1) Where a local authority are satisfied—

(*a*) that the houses, or the greater part of the houses, in any area in their district lack one or more of the standard amenities or do not meet the tolerable standard, and

(*b*) that the most effective way of dealing with the said area is to apply to the area the provisions of subsection (2) below,

they may cause the area to be defined on a map and pass a draft resolution declaring the area so defined to be a housing action area for improvement, that is to say, an area which is to be dealt with in accordance with the provisions of the said subsection (2).

(2) A resolution passed under this section shall provide that a housing action area for improvement shall be dealt with by securing the carrying out of such works on the houses in the area which do not meet the standard specified by the local authority under subsection (3) below in respect of the area that on the completion of the works all the houses in the area will meet that standard.

(3) The standard specified by the local authority for the purpose of this section shall be that all the houses in the area—

(*a*) shall meet the tolerable standard ; and

(*b*) shall be in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the houses,

and, where the local authority are satisfied that the houses in the area have a future life of not less than 10 years, they may in addition specify that all the houses in the area shall be provided with all of the standard amenities.

(4) A housing action area for improvement shall not include the site of a building unless at least part of the building consists of a house which lacks one or more of the standard amenities or does not meet the tolerable standard.

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Declaration of housing action areas for demolition and improvement.

17.—(1) Where a local authority are satisfied—

(*a*) that the houses, or the greater part of the houses, in any area in their district lack one or more of the standard amenities or do not meet the tolerable standard, and

(*b*) that the most effective way of dealing with the said area is to apply to the area the provisions of subsection (2) below,

they may cause the area to be defined on a map and pass a draft resolution declaring the area so defined to be a housing action area for demolition and improvement, that is to say, an area which is to be dealt with in accordance with the provisions of the said subsection (2).

(2) Subject to subsection (4) below, a resolution passed under this section shall provide that a housing action area for demolition and improvement shall be dealt with by securing the demolition of some of the buildings in the area and by securing the carrying out of such works on those houses in the area which do not meet the standard specified by the local authority by virtue of subsection (3) below in respect of the area, other than the houses in those buildings, that on the completion of the works all the houses then in the area will meet that standard.

(3) For the purposes of specifying the standard mentioned in subsection (2) above, the provisions of subsection (3) of section 16 of this Act shall apply as they apply for the purposes of specifying the standard mentioned in subsection (2) of that section.

(4) A local authority shall not secure the demolition of a building in a housing action area for demolition and improvement unless the greater part of the houses in the building are below the tolerable standard.

(5) A housing action area for demolition and improvement shall not include the site of a building unless at least part of the building consists of a house which lacks one or more of the standard amenities or does not meet the tolerable standard.

Provisions supplementary to sections 15, 16, and 17.

18.—(1) In considering whether to take action under section 15, 16 or 17 of this Act with respect to an area, a local authority shall have regard to any directions given by the Secretary of State, either generally or in respect of any particular authority or authorities, with regard to the identification of areas suitable to be declared to be housing action areas.

(2) If, on the application of a local authority, the Secretary of State is satisfied that in all the circumstances it is reasonable to do so, he may give directions as respects the waiving of the requirement in the said section 16(1)(*a*) or 17(1)(*a*) that the

greater part of the houses in any area of that local authority's district lack one or more of the standard amenities or do not meet the tolerable standard.

(3) A draft resolution passed under the provisions of the said section 15, 16 or 17 shall specify the section under which it was made, be in such form and contain such information about such matters as the Secretary of State may prescribe, and the Secretary of State may prescribe different requirements for the different resolutions.

(4) A draft resolution passed under the said section 15, 16 or 17 shall, without prejudice to the generality of the foregoing provisions of this section, contain a statement as to the standard specified by the local authority under the said section 16 or by virtue of the said section 17 and shall identify—

(*a*) those buildings in the area which consist of a house or houses which, in the opinion of the local authority, should be demolished;

(*b*) those houses in the area which are below the standard specified as aforesaid and which, in the opinion of the local authority, should be brought up to that standard and do not fall within paragraph (*c*) below;

(*c*) those houses in the area which form part of a building comprising two or more flats and which, in the opinion of the local authority—

(i) are below the standard specified for the area as aforesaid, and

(ii) require to be integrated with some other part or parts of that building;

and that other part or parts of the building shall also be identified.

Functions of Secretary of State, and duty of local authority to publish information.

19.—(1) A local authority shall, as soon as may be after passing a draft resolution under section 15, 16 or 17 of this Act, submit the draft resolution and a copy of the map to the Secretary of State.

(2) On receiving the draft resolution and a copy of the map, the Secretary of State shall send to the local authority a written acknowledgement of the receipt of the resolution and of the map.

(3) If it appears to the Secretary of State to be appropriate to do so he may, at any time within the period of 28 days beginning with the day on which he sent an acknowledgement under subsection (2) above,

(*a*) direct the local authority to rescind the resolution; or

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(*b*) notify the local authority that he does not propose to direct them to rescind the resolution; or

(*c*) notify the local authority that he requires a further period for consideration of the resolution and as soon as practicable thereafter direct the local authority as mentioned in paragraph (*a*) above or, as the case may be, notify them as mentioned in paragraph (*b*) above.

(4) As soon as may be after the date on which a local authority are notified as mentioned in subsection (3)(*a*) above, the local authority shall rescind the draft resolution.

(5) Where the local authority are notified as mentioned in subsection (3)(*b*) above or, if after the expiry of the period of 28 days mentioned in subsection (3) above, the local authority have received no notification from the Secretary of State, the local authority shall as soon as may be—

(*a*) publish in two or more newspapers circulating in the locality (of which one shall, if practicable, be a local newspaper) a notice that a draft resolution has been made and naming a place or places and times at which a copy of the resolution and a copy of the map may be inspected; and

(*b*) serve on every owner, lessee and occupier of any premises to which the draft resolution relates a notice stating the effect of the resolution.

(6) Any notice for the purposes of subsection (5) above shall be in such form, contain such information and be served in such manner as the Secretary of State may prescribe; and the Secretary of State may prescribe different requirements for the different resolutions.

(7) Without prejudice to the generality of the provisions of subsection (6) above, a notice served under subsection (5)(*b*) above shall state that such owner, lessee and occupier may, within two months from the date of service of the notice, make representations to the local authority concerning the draft resolution or any matter contained therein.

Procedure to be followed after publication and service of notice of draft resolution.

20.—(1) The local authority shall have regard to any representations made to them by virtue of section 19(7) of this Act and, within a period of two months from the expiry of the period of two months mentioned in the said subsection (7), shall—

(*a*) subject to the provisions of subsection (2) below, pass a final resolution confirming the draft resolution, with or without modifications; or

(*b*) rescind the draft resolution.

(2) The power to make modifications by virtue of subsection (1)(*a*) above shall not include power to extend the area defined in the draft resolution.

(3) The local authority shall, as soon as may be—

(*a*) send a copy of the final resolution and a copy of the map to the Secretary of State,

(*b*) publish in the manner required by section 19(5)(*a*) of this Act a notice that a final resolution has been made, or as the case may be, that the draft resolution has been rescinded and

(*c*) serve on such persons as were served with a notice in pursuance of section 19(5)(*b*) of his Act, a notice stating the effect of any final resolution or, as the case may be, stating that the draft resolution has been rescinded,

and the provisions of section 19(6) of this Act shall apply to the publication and service of a notice under this section as they apply to the publication and service of a notice under the said section 19.

(4) The provisions of section 18 of this Act shall apply to a final resolution as they apply to a draft resolution.

Service of notices.

21. Any notice authorised or required to be sent to an owner, lessee or occupier by virtue of sections 19(5)(*b*) and 20(3)(*c*) of this Act may, if it is not practicable after reasonable inquiry to ascertain the name of such owner lessee or occupier, be served by addressing it to him by the description of 'owner', 'lessee' or 'occupier', as the case may be, identifying the house to which it relates and by delivering it to some person in the house, or if there is no person in the house to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the house.

Powers of acquisition of land within housing action areas by local authority.

22.—(1) Subject to the provisions of subsection (2) below, where a local authority have published and served, in accordance with the provisions of section 19 of this Act, a notice of the passing of a draft resolution made under section 15, 16 or 17 of this Act, the local authority, from the date of he said publication and service, shall have power to purchase land by agreement in the area to which the said draft resolution relates, in order themselves to undertake, or otherwise secure, the demolition, or improvement to the standard specified under section 16(3) or by virtue of section 17(3) of this Act (as the case may be), of the houses or buildings.

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(2) Where under subsection (1) above the local authority purchase a house identified in accordance with section 18(4)(*c*) of this Act, they may also purchase any other part of the building so identified if in their opinion it is necessary to purchase such other part in order to integrate it with that house.

Local authority may acquire land surrounded by or adjoining housing action areas.

23. Where a local authority determine to acquire any land comprised in an area declared by them to be a housing action area, they may acquire also—

(*a*) any land which is surrounded by the housing action area ; and

(*b*) any land adjoining the housing action area,

if the acquisition is reasonably necessary for the purpose of securing an area of convenient shape and dimensions or is reasonably necessary for the satisfactory development or use of the housing action area.

Duty of local authorities to offer loans to meet expenses of improvement.

24.—(1) Where the owner or the lessee of a house situated in a housing action area is willing to carry out improvement works which are, in the opinion of the local authority, required in order to bring the house up to the standard specified under section 16(3) or by virtue of section 17(3) of this Act, he may, not later than nine months from the date of publication and service of a notice of a final resolution passed under section 20 of this Act, apply to the local authority for a loan.

(2) Subject to this section, if the local authority are satisfied that the applicant can reasonably be expected to meet obligations assumed by him in pursuance of this section in respect of a loan of the amount of the expenditure to which the application relates, the authority shall offer to make a loan of that amount to the applicant, the loan to be secured to the authority by a standard security over the premises consisting of or comprising the house.

(3) Subject to this section, if the local authority are not so satisfied, but consider that the applicant can reasonably be expected to meet obligations assumed by him in pursuance of this section in respect of a loan of a smaller amount, the authority may, if they think fit, offer to make a loan of that smaller amount to the applicant, the loan to be secured as aforesaid.

(4) Any offer made by the local authority under this section shall contain a condition to the effect that, if an improvement grant or a repairs grant becomes payable under Part I of this Act in respect of the expenditure to which the application under this section relates, the authority shall not be required to lend a sum greater than the amount of the expenditure to which the application relates after deduction of the amount of the grant.

(5) The local authority shall not make an offer under the foregoing provisions of this section unless they are satisfied that—

(*a*) the applicant's estate or interest in the said house amounts to ownership or a lease for a period which will not expire before the date for final repayment of the loan, and

(*b*) according to a valuation made on behalf of the local authority, the amount of the principal of the loan does not exceed the value which it is estimated the subjects comprised in the security will bear after improvement of the house or houses to the standard specified under section 16(3) or by virtue of section 17(3) of this Act.

(6) The rate of interest payable on a loan under this section shall be calculated in accordance with the provisions of section 121(2) of the Local Government (Scotland) Act 1973 (rates of interest in relation to certain sums due to local authorities) and the Secretary of State may, if he thinks fit, give directions, either generally or in any particular case, as to the time within which a loan under this section, or any part of such a loan, is to be repaid. 1973 c. 65.

(7) Subject to this section, the loan offered by the local authority under this section shall be subject to such reasonable terms as the authority may specify in their offer.

(8) The local authority's offer may in particular include any such terms as are described in section 49(3)(*c*) of the Housing (Financial Provisions) (Scotland) Act 1968 (repayment of principal and interest) and provision for the advance being made by instalments from time to time as the works of improvement progress. 1968 c. 31.

(9) Where an improvement grant or repairs grant is payable partly in respect of expenditure to which the application under this section relates, and partly in respect of other expenditure, the reference in subsection (4) above to an improvement grant or repairs grant shall be taken as a reference to the part of the grant which in the opinion of the local authority is attributable to the expenditure to which the application under this section relates.

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Reviver of sections 80 and 87 of the Housing (Scotland) Act 1966, with amendments thereto and with consequential amendments to the Schedule to the Crofters Holdings (Scotland) Act 1886 and to Schedule 5 to the Crofters (Scotland) Act 1955.

1966 c. 49.

1886 c. 29.

1955 c. 21.

25.—(1) Section 80 (adjustment of relations between lessors and lessees of agricultural holdings, etc.) and section 87 (interpretation) in so far as connected with section 80, of Part IV of the Housing (Scotland) Act 1966 are hereby revived.

(2) In the said section 80—

(*a*) for the words "an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act", wherever those words occur, there shall be substituted the words "a notice of a final resolution under Part II of the Housing (Scotland) Act 1974";

(*b*) in subsection (2), the words "or undertaking" wherever those words occur shall be omitted;

(*c*) in subsection (3), for the paragraph inserted into the Schedule to the Crofters Holdings (Scotland) Act 1886 and into Schedule 5 to the Crofters (Scotland) Act 1955 as paragraph 1A there shall be substituted the following paragraph—

"1A. Improvement works carried out in compliance with a notice of a final resolution served under Part II of the Housing (Scotland) Act 1974."

(3) In the Schedule to the Crofters Holdings (Scotland) Act 1886 and in Schedule 5 to the Crofters (Scotland) Act 1955, for paragraph 1A in each of those schedules (both of which schedules relate to permanent improvements) there shall be substituted the following paragraph—

"1A. Improvement works carried out in compliance with a notice of a final resolution served under Part II of the Housing (Scotland) Act 1974."

Provisions regarding acquisition of land by local authority

26.—(1) In so far as a resolution passed under section 15 or 17 of this Act provides that some or all of the buildings in a housing action area should be demolished, the powers of acquiring land comprised in or surrounded by or adjoining such an area conferred on a local authority by this Part of this Act shall not be restricted by the fact that buildings within that area have been demolished since the area was declared to be a housing action area.

1973 c. 65

(2) Land for the purposes of this Part of this Act may be acquired by a local authority by agreement under section 70 of the Local Government (Scotland) Act 1973 (acquisition of land by agreement).

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(3) Subject to the provisions of subsection (4) below, a local authority may be authorised by the Secretary of State to purchase land compulsorily for the same purposes as they may acquire land by agreement under sections 22 and 23 of this Part of this Act and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to any such compulsory purchase as if this Act had been in force immediately before the commencement of that Act, but subject to the following modifications— 1947 c. 42.

(*a*) the compulsory purchase order shall not be in the form prescribed under paragraph 2 of Schedule 1 to that Act, but shall be in a form prescribed under this section;

(*b*) the notices referred to in paragraphs 3 and 6 of the said Schedule 1 shall not be in the form prescribed under those paragraphs, but shall be in a form prescribed under this section;

(*c*) the order shall show separately the houses in the housing action area which do not meet the tolerable standard and, as the case may be, that standard along with any other standard specified under section 16 or by virtue of section 17 of this Act and the land proposed to be purchased outside the area;

(*d*) the order as confirmed by the Secretary of State shall not authorise the local authority to purchase any house on less favourable terms with respect to compensation than the terms on which the order would have authorised them to purchase the house if the order had been confirmed without modification;

(*e*) if the Secretary of State is of opinion that any land included by a local authority in a housing action area ought not to have been so included, he shall on confirming the order so modify it as to exclude that land for all purposes from that area;

(*f*) in section 1 of that Act, any reference to the said Schedule 1 shall be construed as a reference to that Schedule as modified by this subsection;

(*g*) in Part IV of that Schedule any reference to that Act or that Schedule and any reference to any regulation made thereunder shall be construed respectively as a reference to that Act as modified by this subsection and as including a reference to any regulation made under this subsection;

(*h*) section 3 of that Act (power to extinguish certain public rights of way over land acquired) shall be omitted.

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(4) Where a local authority have published and served notice of a final resolution in accordance with the provisions of section 20 of this Act declaring an area to be—

(*a*) a housing action area for demolition, they shall submit any order authorising the compulsory purchase of land in the area to the Secretary of State within a period of six months from the date of the said publication and service,

(*b*) a housing action area for improvement or for demolition and improvement, any such order as aforesaid shall not be made by the local authority before the expiry of a period of three months and shall be submitted to the Secretary of State within a period of nine months from the date of the said publication and service,

but the Secretary of State may in the circumstances of a particular case, allow such longer period for the periods of six months and nine months mentioned respectively in paragraphs (*a*) and (*b*) above as he thinks appropriate.

Power of local authority to retain houses subject to demolition for temporary occupation.

27.—(1) A local authority, who in a resolution passed under section 15 or 17 of this Act have provided that some or all of the buildings in a housing action area should be demolished, may postpone the demolition of any such building on land purchased by or belonging to the authority within that area, being a building which is, or which contains, a house which in the opinion of the authority must be continued in use as housing accommodation for the time being.

(2) Where the demolition of a building is postponed under the foregoing subsection, the authority shall carry out such works as may in their opinion from time to time be required for rendering or keeping such house capable of being continued in use as housing accommodation pending its demolition.

(3) In respect of any house retained by a local authority under this section for use for housing purposes, the authority shall have the like powers and duties as they have in respect of houses provided under Part VII of the Housing (Scotland) Act 1966.

1966 c. 49.

Provisions with respect to land belonging to local authority.

28. A local authority may include in a housing action area any land belonging to them which they might have included in such an area if the land had not belonged to them; and where any land belonging to a local authority is included in a housing action area, or where any land belonging to a local authority is surrounded by or adjoins a housing action area and might have been purchased by the authority under section 23 of this Act had it not been previously acquired by them, the

provisions of this Part of this 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 housing action area or, as the case may be, as being land surrounded by or adjoining the housing action area.

Compensation in respect of land acquired compulsorily.

29.—(1) Where land is purchased compulsorily by a local authority under this Part of this Act, the compensation payable in respect thereof shall, subject to the following provisions of this section, be assessed by the Lands Tribunal in accordance with the Land Compensation (Scotland) Act 1963. 1963 c. 51.

(2) In the case of the compulsory acquisition of a house which is specified in the compulsory purchase order as not meeting the tolerable standard, such compensation shall not (except by virtue of paragraph 2 of Schedule 2 to the said Act of 1963) exceed the value, at the time when the valuation is made, of the site of the 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.

(3) The reference in the last foregoing subsection to compensation is a reference to the compensation payable in respect of the purchase exclusive of any compensation for disturbance or for severance or for injurious affection.

(4) In the case of land purchased as aforesaid, other than land in respect of which the provisions of subsections (2) and (3) of this section have effect, the rules specified in Schedule 4 to the Housing (Scotland) Act 1966 shall be observed. 1966 c. 49.

Payments in respect of well-maintained houses.

30.—(1) Where as respects a house which is made the subject of a compulsory purchase order under this Part of this Act as not meeting the tolerable standard, the Secretary of State is satisfied, after causing the house to be inspected by one of his officers, that it has been well maintained, the Secretary of State may give directions for the making by the local authority of a payment calculated in accordance with section 21 of the Housing (Scotland) Act 1969 in respect of the house. 1969 c. 34.

(2) 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 local 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

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material extent to work carried out by him or at his expense, the authority may, if it appears to them to be equitable in the circumstances, make the payment, in whole or in part, to him.

Local authority may take possession of land to be acquired by agreement or appropriated for purposes of Part II.

31. Section 144 of the Housing (Scotland) Act 1966 (which provides that a local authority may take possession of land to be acquired by agreement or appropriated for purposes of Part VII of that Act) shall apply for the purposes of this Part of this Act as it applies for the purposes of the said Part VII.

1966 c. 49.

Local authority may sell or lease land purchased under Part II.

32. A local authority who have under this Part of this Act purchased any land comprised in or surrounded by or adjoining a housing action area—

(*a*) may, where the land was purchased for the purpose of bringing the houses in the area up to the standard specified under section 16(3) or by virtue of section 17(3) of this Act, sell or lease any such house to any person subject to the condition that that person will bring the house up to at least the appropriate standard and to any other restriction or condition that they may think fit; or

(*b*) may, in any other case, sell or lease the land subject to such restrictions and conditions, if any, as they think fit, or may, in accordance with section 73 of the Local Government (Scotland) Act 1973 (appropriation of land), appropriate the land for any purpose for which they are authorised to acquire land.

1973 c. 65.

Extinction of rights of way, servitudes, etc.

33.—(1) A local authority may, with the approval of the Secretary of State, by order extinguish any public right of way over any land purchased by them under this Part of this Act or provide for the closing or diversion of any street in connection with the development of a housing action area.

(2) An order made by a local authority under subsection (1) of this section shall be made in the prescribed form and be published in the prescribed manner, and, if any objection thereto is made to the Secretary of State before the expiration of two months from the publication thereof, the Secretary of State shall not approve the order until he has caused a public local inquiry to be held into the matter.

(3) Where a local authority have resolved to purchase under this Part of this Act land over which a public right of way exists, it shall be lawful under the foregoing provisions of this

section for the authority to make and for the Secretary of State 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 Secretary of State in approving the order may direct.

(4) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing or maintaining any 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 authority; and any person who suffers loss by the extinction or vesting of any such right or apparatus as aforesaid shall be entitled to be paid by the authority compensation to be determined by the Lands Tribunal in accordance with the Land Compensation (Scotland) Act 1963: 1963 c. 51.

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.

Provisions as to apparatus of public undertakers.

34.—(1) Where the removal or alteration of apparatus belonging to public undertakers on, under or over land purchased by a local authority under this Part 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 execise any of the powers conferred upon them by this Part of this Act, the 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 subsection (1) of this section 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 28 days from the date of service of the notice, 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

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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 this Act, such undertakers may, by notice in writing served on the authority, require them at the expense of the authority to remove or alter the apparatus or to execute the works, and, where any such requirement is so made and not withdrawn, the authority shall give effect thereto unless they serve notice in writing on the undertakers of their objection to the requirement within 28 days from the date of service of the notice upon them and the requirement is determined by arbitration to be unreasonable.

(5) At least 7 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 7 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 local 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 subsection (5) of this section 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 be referred to and determined by the Lands Tribunal;

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

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

Local authority may control occupation of houses in housing action area.

35.—(1) Subject to subsection (3) of this section, a local authority may,

(*a*) as soon as practicable after they receive notification under section 19(3)(*b*) of this Act, or

(*b*) if after the expiry of the period of 28 days mentioned in section 19(3) of this Act they have received no notification from the Secretary of State;

make an order in the prescribed form prohibiting the occupation of the houses in the area which have been identified in accordance with section 18(4)(*a*) and (*c*) of this Act except with the consent of the authority.

(2) Within 28 days of making an order under this section, the local authority shall serve a notice in the prescribed form in respect of every such house in the housing action area—

(*a*) upon the person having control of the house, and

(*b*) upon any other person who is an owner or occupier of the house,

stating that the order has been made and indicating the effect of the order.

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(3) An order made under this section shall not prohibit the occupation of a house in the area by a person occupying it on the date of the service of the notice in respect of the house under the last foregoing subsection.

(4) If any person, knowing that an order has been made under this section, occupies or permits to be occupied a house after the date of the service of the notice in respect of the house under subsection (2) of this section in contravention of the order, he shall be guilty of an offence and shall be liable on summary conviction,

(*a*) to a fine not exceeding £400, and in the case of a second or subsequent conviction in respect of that house or any other house to a fine not exceeding £400 or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment; and

(*b*) in the case of a continuing offence to a further fine of £5 for every day or part of a day which he occupies the house, or permits it to be occupied, after conviction.

(5) Where an owner or a person having control of a house in respect of which an order under this section is served considers that it is unreasonable in all the circumstances of the case that the order should continue to apply to the house, he may apply to the local authority to revoke the order in respect of the house.

(6) Where an applicant for a revocation under subsection (5) above is aggrieved by the refusal of the local authority to revoke the order, he may appeal to the sheriff by giving notice of appeal within 21 days of the date of the refusal.

(7) An order made under this section shall cease to have effect in relation to any house affected by any of the following events, that is to say—

(*a*) on the date on which the local authority revoke an order under subsection (5) above;

(*b*) on the date of the passing of a final resolution under section 20 of this Act identifying a house in accordance with that section as read with section 18(4)(*b*) of this Act;

(*c*) on the date of the rescinding of a draft resolution under the said section 20;

(*d*) in the case where the Secretary of State, in refusing to confirm an order for compulsory purchase submitted to him under section 26 of this Act, directs that any order made under this section shall cease to apply either generally or in respect of individual houses, on the date of that direction;

(*e*) in the case where the Secretary of State, in modifying in accordance with the provisions of section 26(3)(*e*) of this Act an order for compulsory purchase submitted to him under the said section 26, directs that any order made under this section shall cease to apply either generally or in respect of individual houses, on the date of that direction.

Obligation of local authorities in relation to rehousing in housing action areas. 1973 c. 56.

36. Where a person is to be displaced as a result of the implementation of the provisions of this Part of this Act, and where a local authority are under a duty by virtue of section 36 of the Land Compensation (Scotland) Act 1973 to rehouse him, the authority shall, if so requested by that person and in so far as practicable, secure that he will be provided with suitable alternative accommodation within a reasonable distance from the locality of the house from which he is to be displaced.

PART III

PROVISIONS RELATING TO LANDLORDS AND TENANTS IN HOUSING ACTION AREAS

Application to sheriff for possession where house is identified in accordance with section 20(1) as read with section 18(4)(*a*).

37.—(1) Where—

(*a*) an owner of a house has received a notice stating the effect of a final resolution passed under section 20(1) of this Act, which identifies the building of which the house consists or forms part in accoordance with that section as read with section 18(4)(*a*) of this Act;

(*b*) the owner of the house is willing to secure the demolition of the building of which the house consists or forms part; and

(*c*) the owner cannot obtain vacant possession of the house by agreement with the tenant thereof,

then, whether or not the tenancy of that house has been terminated, the owner may apply to the sheriff for an order for possession of that house.

(2) Any such order shall require the tenant to vacate the house within such period, not being less than four weeks nor more than six weeks from the date of the order, as the sheriff may determine and, where any tenancy of that house has not previously been terminated, any such order shall have the effect of terminating that tenancy as from the date of the order.

(3) Any order made under this section may be made subject to such conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of adjustment of rent or compensation for any improvements carried out by the tenant) as the sheriff may think just and equitable, having regard to the respective rights,

PART III

obligations and liabilities of the parties and to all the circumstances of the case, but no such order shall be made unless the sheriff is satisfied that suitable alternative accommodation on reasonable terms will be available to the tenant.

Application to sherriff for possession where house is identified in accordance with section 20(1) as read with section 18(4)(*c*).

38.—(1) Where—

(*a*) an owner of a house has received a notice stating the effect of a final resolution passed under section 20(1) of this Act, which identifies the house in accordance with that section as read with section 18(4)(*c*) of this Act;

(*b*) the owner of the house is also the owner of the other part or parts of the building of which the house forms part which have been identified as aforesaid as requiring to be integrated with that house, in whole or in part;

(*c*) the owner of the house is willing to carry out the necessary works of integration as aforesaid; and

(*d*) the owner cannot obtain vacant possession of the house or of the said other part or parts of the building by agreement with any tenant thereof,

then, whether or not the tenancy of that house or of the said other part or parts of the building has been terminated, the owner may apply to the sheriff for an order for possession of that house or of the said other part or parts of the building.

(2) The provisions of section 37(2) and (3) of this Act shall apply to an order made under this section as they apply to an order made under that section but, without prejudice to the generality of the provisions of those subsections, the sheriff shall, before imposing any such conditions as are referred to in section 37(3) of this Act, have regard as to whether the owner has offered to any tenant, who will be required to vacate the house by an order under this section, a tenancy of a house which will include in whole or in part that house.

Application to sheriff for possession where house is identified in accordance with section 20(1) as read with section 18(4)(*b*).

39.—(1) Where—

(*a*) an owner of a house has received a notice stating the effect of a final resolution passed under section 20(1) of this Act, which identifies the house in accordance with that section as read with section 18(4)(*b*) of this Act;

(*b*) the owner of the house is willing to carry out the necessary works to bring the house up to the standard specified for the area by the local authority under section 16(3) or, as the case may be, by virtue of section 17(3) of this Act;

(*c*) those works cannot be carried out without the consent of the tenant of that house or without the house being vacated temporarily ; and

(*d*) the tenant refuses to consent to the carrying out of those works or to vacate the house,

then the owner may apply to the sheriff for an order authorising the owner to enter the house and carry out those works, and, on any such application, the sheriff may, if he considers that it is necessary for the house to be vacated to enable the works to be carried out, order the tenant to vacate the house for such period, beginning not less than four weeks from the date of the order, as the sheriff may determine.

(2) Any order made under this section may be made subject to such conditions (including conditions with respect to the payment of rent payable under the tenancy during the carrying out of the works and as to the period during which the house is to be vacated) as the sheriff may think just and equitable, having regard to all the circumstances of the case, but no such order shall be made unless the sheriff is satisfied that suitable alternative accommodation on reasonable terms will be available to the tenant.

Procedure; and application of s. 123(1) of Rent (Scotland) Act 1971. 1971 c. 28.

40. Any application made to the sheriff under this Part of this Act shall be made by way of summary application and the provisions of section 123(1) of the Rent (Scotland) Act 1971 shall apply to any such application as they apply to an application made under any of the provisions referred to in subsection (3) of that section.

Certain provisions of Rent (Scotland) Act 1971 not to apply.

41. Nothing in the Rent (Scotland) Act 1971 restricting the power of a court to make an order for possession of a dwelling-house shall apply to any application made to the sheriff or to any order made by the sheriff under this Part of this Act.

Effect of refusal to make order on validity of resolution.

42. Where, in relation to any application under this Part of this Act, the sheriff refuses to make the order sought, that refusal shall not affect the validity of any resolution passed by the local authority under Part II of this Act or any rights or obligations of the local authority under that Part or under any other enactment relating to housing.

PART IV

Miscellaneous and General

Exclusion of houses controlled by Crown.

43.—(1) No notice of a final resolution within the meaning of Part II of this Act may be served in respect of a house in which there is a Crown interest except with the consent of the appropriate authority and, where a notice of a final resolution is served with the consent of the appropriate authority, Parts II and III of this Act shall apply in relation to the house as it applies in relation to a house in which there is no such interest.

(2) If, after a notice of a final resolution as aforesaid has been served in respect of any house in which there is a Crown interest, the appropriate authority becomes the person having control of the house, any such notice shall cease to have effect.

(3) In this section, " Crown interest " means an interest belonging to Her Majesty in right of the Crown or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, and " the appropriate authority ",—

(*a*) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land ;

(*b*) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department,

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

Power of local authority to arrange for the execution of works of improvement by agreement with the owner.

44.—(1) A local authority may by agreement with an owner of a house at his expense execute, or arrange for the execution of any works of improvement to which Parts I and II of this Act apply which the local authority and the owner agree are necessary or desirable.

1969 c. 34.

(2) After paragraph (*a*) of section 58(1) of the Housing (Scotland) Act 1969 (powers of local authority to improve amenities of residential areas) there shall be inserted the following paragraph—

" (*aa*) with the agreement of the owner of any land, carry out or arrange for the carrying out of works on that land at his expense or at the expense of the local authority or in part at the expense of both ; ".

PART IV
Extension of power of local authorities to make advances.

45.—(1) Section 49 of the Housing (Financial Provisions) (Scotland) Act 1968 (power of local authorities to make advances for the purpose of increasing housing accommodation) shall be amended in accordance with the provisions of this section.

1968 c. 31.

(2) At the end of paragraph (*d*) of subsection (1) there shall be added the words " or

(*e*) subject to subsection (2A) below, facilitating the repayment by means of the advance of the amount outstanding on a previous loan made for any of the purposes specified in paragraphs (*a*) to (*d*) above ".

(3) After subsection (2) there shall be inserted the following subsection:—

" (2A) An advance shall not be made for the purpose specified in paragraph (*e*) of subsection (1) above unless the local authority satisfy themselves that the primary effect of the advance will be to meet the housing needs of the applicant by enabling him either to retain an interest in the house concerned or to carry out such works in relation to that house as would be eligible for an advance by virtue of paragraph (*c*) or paragraph (*d*) of that subsection ".

(4) In paragraph (*c*) of subsection (3) of that section, for the words " may provide for repayment being made either by instalments of principal or by an annuity of principal and interest combined " there shall be substituted the words " shall provide for repayment of the principal—

(i) by instalments (of equal or unequal amounts) beginning either on the date of the advance or at a later date, or

(ii) at the end of a fixed period (with or without a provision allowing the local authority to extend that period) or on the happening of a specified event before the end of that period,

and for the payment of instalments of interest throughout the period beginning on the date of the advance and ending when the whole of the principal is repaid ".

(5) At the end of the section there shall be added the following subsection:—

" (5) If it appears to a local authority that the principal effect of the making of an advance under subsection (1) above in respect of any premises would be to meet the housing needs of the applicant, they may make the advance notwithstanding that it is intended that some part of the premises will be used or, as the case may be, will continue to be used, otherwise than as a house, and accordingly where, by virtue of this subsection, a local authority propose to make an advance in respect of any premises, the premises

PART IV

shall be treated for the purposes of subsections (1) to (4) above as, or as a building to be converted into, a house or houses ".

(6) On the coming into operation of this section, no further advances shall be made by local authorities in Scotland under section 60 of the Housing (Scotland) Act 1969 or section 38 of the Land Compensation (Scotland) Act 1973.

1969 c. 34.
1973 c. 56.

Rent income subsidy.

46.—(1) Subject to the provisions of this section, the Secretary of State may, for the year 1974-75 or any subsequent year out of money provided by Parliament, pay to a local authority in accordance with regulations made by him a subsidy (" the rent income subsidy ") which shall be credited to the housing revenue account for the year in respect of which the payment falls to be made.

(2) Rent income subsidy may be so payable in circumstances where, but for the making of any order under section 11 of the Counter-Inflation Act 1973 preventing local authorities from increasing standard rents in any year, the local authority, in order to comply with the provisions of section 28 of the Act of 1972, would have been required to increase standard rents in that year.

1973 c. 9.

(3) Any question as to the amount of rent income subsidy shall be determined by the Secretary of State.

(4) Regulations under this section shall be made with the consent of the Treasury.

(5) Expressions used in this section and in the Act of 1972 shall have the same meanings in this section as in that Act, and in this section " the Act of 1972 " means the Housing (Financial Provisions) (Scotland) Act 1972.

1972 c. 46.

Expenses.

47. There shall be defrayed out of money provided by Parliament—

(*a*) any sums required for the payment by the Secretary of State of subsidies or Exchequer contributions under this Act and any other expenses or outgoings of the Secretary of State under this Act;

(*b*) any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act;

and any sums received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

Orders and regulations.

48.—(1) Any power of the Secretary of State to make an order under any provision of this Act shall be exercisable by statutory instrument.

(2) An order made by the Secretary of State under any provision of this Act may be varied or revoked by a subsequent order made under that provision.

(3) A statutory instrument containing an order made under any provision of this Act, other than an order mentioned in paragraph (*a*) of the definition of " prescribed " in subsection (3) of the next following section or section 12 of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any regulations made by the Secretary of State under this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution by either House of Parliament.

Interpretation. 1966 c. 49.

49.—(1) The following provision of the Housing (Scotland) Act 1966 shall apply as if references therein to that Act included references to this Act, that is to say—

section 2 (power of local authority to appoint committee),

section 165 (power of local authority to issue local bonds),

sections 177 to 179 (special provisions as to land),

section 183 (except paragraph (*b*) and paragraphs (*d*) to (*g*) of subsection (1) thereof) (power of entry for survey etc.),

section 184 (penalty for obstructing execution of Act),

section 188 (power of sheriff to authorise superior to execute works etc.),

section 190(2) to (5) (procedure in appeals to sheriff),

section 191 (authentication of orders, etc., by local authority),

section 193(1) (default of local authority),

sections 200 to 202 (provisions regarding exercise of functions by Secretary of State),

section 203 (power of heir of entail to sell or feu land for housing purposes).

(2) Subject to subsection (3) below, and except where the context otherwise requires, the expressions used in this Act and in the Housing (Scotland) Act 1966 have the same meaning in this Act as in that Act.

(3) In this Act—

" Exchequer contribution " has the meaning assigned to it by section 67(2) of the Housing (Financial Provisions) (Scotland) Act 1968 ; 1968 c. 31.

" financial year " has the meaning assigned to it by section 67(2) of the said Act of 1968 ;

PART IV

" heritable security " means a heritable security within the meaning of section 9(8)(*a*) of the Conveyancing and Feudal Reform (Scotland) Act 1970 ;

1970 c. 35.

" housing action area " means a housing action area within the meaning of Part II of this Act ;

" improvement " has the meaning assigned to it by section 1(3) of this Act ;

" improvement grant " has the meaning assigned to it by section 1(1) of this Act ;

" loan charges " has the meaning assigned to it by section 67(2) of the said Act of 1968 ;

" owner " in Parts I and III of this Act, in relation to a house, means the person who is for the time being entitled to receive the rent of the house, or who, if the house were let would be so entitled but in Part I includes such a lessee as is mentioned in section 2(3)(*a*) of this Act ; and in Parts II and IV has the same meaning as in section 208(1) of the Housing (Scotland) Act 1966 ;

1966 c. 49.

" order for possession " has the meaning assigned to it by section 133(1) of the Rent (Scotland) Act 1971 ;

1971 c. 28.

" prescribed " in relation to the provisions mentioned below means—

(*a*) in sections 5(1) and (3), 7(4) and 11(9) prescribed, with the consent of the Treasury, by order, a draft of which has been approved by the Commons House of Parliament and such an order shall not specify a date earlier than the date of the laying of the draft,

(*b*) in section 3(2)(*c*)(i) prescribed by order,

and in any other case section 197 of the Housing (Scotland) Act 1966 (power to prescribe forms, etc.) shall apply to any matter requiring to be prescribed by this Act as it applies to any such matter in the said Act ;

" repairs grant " has the meaning assigned to it by section 11(7) of this Act ;

" standard amenities " has the meaning assigned to it by section 7(3) of this Act ;

" tenancy " includes a sub tenancy, a statutory tenancy within the meaning of section 133(1) of the Rent (Scotland) Act 1971 and a contract to which Part VII of that Act applies and " tenant " shall be construed accordingly ; and any reference to a tenancy of a house or to the tenant thereof shall be construed as including a reference to all the tenancies of that house or to all the tenants thereof as the case may be ;

" tolerable standard " has the meaning assigned to it by section 14 of this Act.

(4) Any reference in this Act to any other enactment shall be construed as referring to that enactment as amended by or under any other enactment, including this Act.

Amendments, transitional provisions, savings and repeal.

50.—(1) Schedule 3 to this Act, which contains minor amendments and amendments consequential on the provisions of this Act, shall have effect.

(2) The Secretary of State may by order make such incidental, consequential, transitional or supplementary provision as may appear to him to be necessary or proper in consequence of—

(*a*) the cessation by virtue of any provision of this Act of any grant, subsidy or Exchequer contribution payable under or by virtue of any enactment, and

(*b*) the coming into operation of any provision of this Act under which a new grant, subsidy or Exchequer contribution becomes payable,

and, subject to any provision made by an order under this subsection, the transitional provisions and savings in Schedule 4 to this Act shall have effect.

(3) The enactments specified in Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title, commencement and extent.

51.—(1) This Act may be cited as the Housing (Scotland) Act 1974.

(2) The Housing (Scotland) Acts 1966 to 1973 and this Act may be cited together as the Housing (Scotland) Acts 1966 to 1974.

(3) Except in so far as any provision of this Act otherwise provides, this Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different purposes.

(4) Without prejudice to any express saving contained in Schedule 4 to this Act, an order under subsection (3) above appointing a day for the coming into operation of any provision of Schedule 5 to this Act may contain such savings with respect to the operation of that provision as appear to the Secretary of State to be appropriate.

(5) This Act extends to Scotland only.

SCHEDULES

Section 7.

SCHEDULE 1

STANDARD AMENITIES

PART I

LIST OF AMENITIES AND MAXIMUM ELIGIBLE AMOUNTS

Description of Amenity	*Maximum eligible amount*
	£
A fixed bath or shower	100
A hot and cold water supply at a fixed bath or shower	140
A wash-hand basin	50
A hot and cold water supply at a wash-hand basin	70
A sink	100
A hot and cold water supply at a sink	90
A water closet	150

PART II

LIMIT ON AMOUNT OF APPROVED EXPENSES FOR STANDARD AMENITIES

1. Subject to paragraph 3 below, the total amount of approved expense for the provision of standard amenities in respect of any one application shall not exceed the sum of the amounts allowable under the following provisions of this Part of this Schedule.

2. Subject to paragraph 4 below, for each of the standard amenities provided there shall be allowed an amount of approved expense not exceeding the maximum eligible amount specified for an amenity of that description in the second column of Part I of this Schedule or the amount substituted therefore under the following provisions of this Part of this Schedule.

3. Subject to the provisions of section 5(1) of this Act, the maximum eligible amounts specified in the second column of Part I of this Schedule may be exceeded by such amount as the local authority approve if the local authority are satisfied in any particular case that an increased estimate for the works is justifiable.

4. An amount shall not be allowed for more than one amenity of the same description; and no amount shall be allowed for an amenity of any description if at the time the works were begun the house was provided with an amenity of that description, except where the works involved interference with or replacement of that amenity and the local authority are satisfied that it would not have been reasonably practicable to avoid the interference or replacement.

SCHEDULE 2

Section 9.

CONSEQUENCES OF BREACH OF CONDITIONS UNDER SECTION 9

1. Subject to paragraphs 3 to 5 below, the local authority shall forthwith demand the repayment to them by the owner for the time being of the house of the whole amount of any sums paid by the authority by way of improvement grant in respect of the expenses incurred for the purpose of the execution of those works together with interest thereon for the period from the date of payment of the grant, or where the grant was paid in instalments, from the date of payment of the final settlement of the balance by the authority to the date of repayment to the authority.

2. If the local authority are satisfied that the breach of any condition is capable of being remedied, they may, with the consent of the Secretary of State and subject to such conditions (if any) as he may approve, direct that the operation of section 9 of this Act shall in relation to the breach be suspended for such period as appears to them to be necessary for enabling the breach to be remedied and if the breach is remedied within that period may direct that the said provisions shall not have effect in relation to the breach.

3. In the event of a breach of the condition referred to in section 9(3) of this Act occurring, the local authority may—

(*a*) if they consider that it would be reasonable for them to do so decide not to recover the grant under paragraph 1 above or ;

(*b*) where they do not so consider, recover

(i) under paragraph 1 above, the whole amount of any sums paid by them by way of improvement grant, or

(ii) the appropriate amount of the grant which may be outstanding, together with interest thereon for the period from the date of payment of the grant or, where the grant was paid in instalments from the date of payment of the final settlement of the balance by the authority to the date of repayment of the appropriate amount to the authority ;

and in any such event the observance of the said condition shall cease to be required.

4. If the local authority are satisfied that the breach although not capable of being remedied was not due to the act, default or connivance of the owner for the time being of the house, they may, with the like consent and subject to such conditions as mentioned in paragraph 2 above, direct that the said provisions shall not have effect in relation to the breach.

5. Upon the satisfaction of a liability of an owner of a house to make payment under paragraph 1 above to a local authority observance with respect to the house of the conditions specified in section 9 of this Act shall cease to be required.

6. On the application of the local authority, the sheriff within whose jurisdiction is situated any house with respect to which the conditions specified in section 9 of this Act are for the time being required to be observed may, whether or not any other relief is

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claimed, grant an interdict restraining a breach of apprehended breach in relation to the house of any of those conditions.

7. In any case where in pursuance of paragraphs 3 or 5 above, observance of any conditions specified in section 9 of this Act ceases to be required with respect to a house the local authority shall cause to be recorded in the General Register of Sasines a notice in the prescribed form stating that the said condition or conditions no longer apply to the house and the cost of such recording shall be repaid to the authority by the owner of the house.

8. In the event of a breach of any of the conditions specified in section 9 of this Act at a time when they are required to be observed with respect to a house it shall be competent for the local authority to make a charging order in favour of themselves for the amount that becomes payable to them by virtue of this Schedule in consequence of such a breach, and the provisions of Schedule 2 to the Housing (Scotland) Act 1969 shall, subject to any necessary modifications, apply to a charging order so made in like manner as they apply to a charging order made under that Schedule.

1969 c. 34.

9. In this Schedule,—

(*a*) "interest" means compound interest calculated at the rate fixed under section 121(2) of the Local Government (Scotland) Act 1973 (rates of interest in relation to certain sums due to local authorities) and with yearly rests; and

1973 c. 65.

(*b*) "appropriate amount", in relation to the recovery of a grant means a part of that grant proportionate to the extent to which the period during which the condition required by section 9(3) of this Act to be observed with respect to the house remains unexpired at the date of the occurrence of the breach.

Section 50.

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

GENERAL ADAPTATIONS

1. Any reference in any previous enactment to "standard amenities" as set out in section 39 of the Housing (Financial Provisions) (Scotland) Act 1968 is a reference to the standard amenities for the purposes of Part I of this Act as provided for in section 7 thereof.

1968 c. 31.

2. Any reference in any previous enactment to "tolerable standard" as defined in section 2 of the Housing (Scotland) Act 1969 is a reference to the tolerable standard as defined in section 14 of the Housing (Scotland) Act 1974.

SPECIFIC ADAPTATIONS

1963 c. 51.

The Land Compensation (Scotland) Act 1963

3. In Schedule 2,—

(*a*) in paragraph 1(2), for the words from "section 10(2)" to "tolerable standard" there shall be substituted the words "section 29(2) and (3) and section 30 of the Housing (Scotland) Act 1974 (which relate respectively to compensation and payments in respect of certain well-maintained houses under Part II of the Housing (Scotland) Act 1974) shall apply as if the house had been purchased under the said Part II as not meeting the tolerable standard";

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(*b*) in paragraph 1(5), for "Section 2 of the Housing (Scotland) Act 1969" there shall be substituted "Section 14 of the Housing (Scotland) Act 1974";

(*c*) in paragraph 1(6), for "Part I of the Housing (Scotland) Act 1969 relating to housing treatment areas" there shall be substituted "Part II of the Housing (Scotland) Act 1974 relating to housing action areas";

(*d*) in paragraph 2(1), for "section 10(2) and (3) of the Housing (Scotland) Act 1969" there shall be substituted "section 29 (2) and (3) of the Housing (Scotland) Act 1974";

(*e*) in paragraph 2(3), for the reference to section 11 of the Housing (Scotland) Act 1969 there shall be substituted a reference to section 30 of the Housing (Scotland) Act 1974;

(*f*) paragraph 3(1) shall be amended by making the like amendments as are specified in relation to paragraph 2(1) in sub-paragraph (*d*) above.

The Housing (Scotland) Act 1966 1966 c. 49.

4. In section 6(1), for "section 8 of the Housing (Scotland) Act 1969" there shall be substituted "section 26 of the Housing (Scotland) Act 1974".

5. In section 19(6), for "13(*b*) of the Housing (Scotland) Act 1969" there shall be substituted "32(*b*) of the Housing (Scotland) Act 1974" and for "housing treatment area" there shall be substituted "housing action area".

6. In section 21, for the words from "to a fine" to the end of the section there shall be substituted "—

(i) to a fine not exceeding £400, and in the case of a second or subsequent conviction in respect of those premises or any other premises to a fine not exceeding £400 or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment; and

(ii) in the case of a continuing offence, to a further fine of £5 for every day or part of a day on which he so uses those premises, or permits them to be so used, after conviction".

7. In section 23(4), for "13(*b*) of the Housing (Scotland) Act 1969" there shall be substituted "32(*b*) of the Housing (Scotland) Act 1974".

8. In section 25(1), for "2(1) of the Housing (Scotland) Act 1969" there shall be substituted "section 14(1) of the Housing (Scotland) Act 1974".

9. In section 137, for "1(3) of the Housing (Scotland) Act 1969" there shall be substituted "13(3) of the Housing (Scotland) Act 1974".

10. In section 143(1), for the reference to section 156 of the Local Government (Scotland) Act 1947 there shall be substituted a reference to section 70 of the Local Government (Scotland) Act 1973; and the words from "(notwithstanding" to the end of the subsection shall be omitted. 1947 c. 43. 1973 c. 65.

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11. In section 160,—

(*a*) in subsection (1), for "7 of the Housing (Scotland) Act 1969" there shall be substituted "26 of the Housing (Scotland) Act 1974";

(*b*) in subsection (4), for "Part I of the Housing (Scotland) Act 1969" there shall be substituted "Part II of the Housing (Scotland) Act 1974".

12. In section 181(4), for the words from "to a fine" to the end of the subsection there shall be substituted "—

(*a*) to a fine not exceeding £400, and in the case of a second or subsequent conviction in respect of that building or house or any other building or house to a fine not exceeding £400 or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment; and

(*b*) in the case of a continuing offence to a further fine of £5 for every day, or part of a day, on which the occupation continues after conviction".

13. In section 192(4)(*b*) and (6), after "1969" there shall be added "or the Housing (Scotland) Act 1974"; and in subsection (7), after "1969" there shall be added "or Part II of the Housing (Scotland) Act 1974".

14. In section 208(1A), for "2 of the Housing (Scotland) Act 1969" there shall be substituted "14 of the Housing (Scotland) Act 1974".

1967 c. 20.

The Housing (Financial Provisions) (Scotland) Act 1967

15. In section 18(1), for "7 of the Housing (Scotland) Act 1969" there shall be substituted "26 of the Housing (Scotland) Act 1974".

1968 c. 31.

The Housing (Financial Provisions) (Scotland) Act 1968

16. Subject to the provisions of paragraphs 17 to 23 of this Schedule, any reference to a dwelling shall be construed as a reference to a house within the meaning of section 208(1) of the Housing (Scotland) Act 1966.

1966 c. 49.

17. In section 13,—

(*a*) in subsection (1A), for "were submitted to him" there shall be substituted "had been approved by him";

(*b*) for subsection (3) there shall be substituted the following subsection:—

"(3) The Secretary of State shall also satisfy himself that all houses, or all houses of a specified class, to be provided or improved in accordance with any improvement proposals will conform with such requirements with respect to their construction and physical condition, and the provision of services and amenities, as may be specified for the purposes of section 3(2)(*a*) of the Housing (Scotland) Act 1974 by the Secretary of State:

Provided that if in relation to all or any of the said houses or in relation to any specified class of houses

the Secretary of State is not satisfied that the houses or house or class of houses will conform with a particular requirement so specified, he may, notwithstanding that fact, approve the improvement proposals if he is satisfied that, in all the circumstances of the case, conformity with that requirement would not be practicable at a reasonable expense." ;

(*c*) at the end there shall be inserted the following new subsection:—

"(6) The provisions of this section shall apply to the Scottish Special Housing Association as they apply to local authorities and development corporations."

18. In section 14,—

(*a*) in subsection (1), for "three-eighths" there shall be substituted "37·5 per cent"; and after "such period" there shall be inserted "being not less than ten years and"; and at the end there shall be inserted the words "as being appropriate in the circumstances of any particular case";

(*b*) in subsection (3), for the words from "unless the Secretary of State" to the end there shall be substituted the words "unless the case is of a class with respect to which the Secretary of State on being satisfied that there is a good reason for doing so has determined a higher amount or the Secretary of State is satisfied that in the circumstances of the particular case there is good reason for determining a higher amount";

(*c*) after subsection (3) there shall be inserted the following new subsection:—

"(3A) Where improvement proposals relate to a housing action area within the meaning of Part II of the Housing (Scotland) Act 1974, subsection (1) above shall have effect as if for the words '37·5 per cent' there were substituted the words '75 per cent'";

(*d*) in subsection (5), for "a longer" there shall be substituted "33⅓ per cent";

(*e*) in subsection (5), for "a longer" there shall be substituted "an other"; and for "that longer" there shall be substituted "that other".

19. For section 18(2), there shall be substituted the following:—

"(2) In sections 13 to 15 of this Act "improvement" has the same meaning as in section 1 of the Housing (Scotland) Act 1974 with the omission of the words "in the opinion of the local authority paying the grant".

20. In section 53,

(*a*) in subsection (1), for "this Part of this Act" there shall be substituted "Part I of the Housing (Scotland) Act 1974"; for "standard grants" there shall be substituted "repairs grants within the meaning of Part I of the Housing (Scotland) Act 1974"; and the words from "or, as the case may be" to "standard amenities" shall be omitted:

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(*b*) in subsection (3) for "standard grant" where first occurring there shall be substituted "repairs grant within the meaning of Part I of the Housing (Scotland) Act 1974"; and for "standard grant" where secondly occurring there shall be substituted "repairs grant";

(*c*) in subsection (4), for "section 30" to "thereof)" there shall be substituted "section 9 of the Housing (Scotland) Act 1974"; and for "(being improvement works" to "standard amenities") there shall be inserted "(being improvement works within the meaning of section 1 of the said Act of 1974)"; and for "standard grant" there shall be substituted "repairs grant";

(*d*) subsection (5) shall be amended by making the like amendments as are specified in relation to section 53(4) of that Act in sub-paragraph (*c*) above.

21. In section 58(3)(*a*), after "1969" there shall be inserted "or the Housing (Scotland) Act 1974".

22. In section 64,

(*a*) in paragraph (*b*), the words "27 to 31, 34 to 38" shall be omitted;

(*b*) for paragraph (*c*) there shall be substituted—

"(*c*) section 58 of the Housing (Scotland) Act 1969;";

(*c*) after paragraph (*c*) there shall be added the following new paragraph:—

"(*d*) the provisions of Parts I and II of the Housing (Scotland) Act 1974.".

23. In section 67(2), in the definition of "financial year" for the reference to section 174 of the Local Government (Scotland) Act 1947 there shall be substituted a reference to section 96(5) of the Local Government (Scotland) Act 1973; and the definition of "Highlands and Islands" shall be omitted.

1947 c. 43.

1973 c. 65.

24. In Schedule 5, at the end there shall be inserted "The Housing (Scotland) Act 1974 (1974 c. 45) Part I".

25. In Schedule 6 after "The Housing (Scotland) Act 1969 (1969 c. 34) Section 59" there shall be inserted "the Housing (Scotland) Act 1974 (1974 c. 45) Part I."

1969 c. 34.

The Housing (Scotland) Act 1969

26. In section 18(1), for "7 of this Act" there shall be substituted "26 of the Housing (Scotland) Act 1974".

27. Section 19 shall be amended by making the like amendment as made to section 18(1) in paragraph 26 above.

28. In section 20(1), for paragraph (*b*) there shall be substituted the following new paragraph:—

"(*b*) if the house was comprised in an area declared by a final resolution passed under Part II of the Housing (Scotland) Act 1974 to be a housing action area, the date when notice of that resolution was published and served in accordance

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with the provisions of section 20 of that Act, and the authority by whom the resolution was passed;".

29. In section 20(2), in the definition of "restricted value", for "10(2) and (3) of this Act" there shall be substituted "29(2) and (3) of the Housing (Scotland) Act 1974".

30. In section 21(1) and (4), for "11 of this Act" there shall be substituted "30 of the Housing (Scotland) Act 1974".

31. In section 59,

(*a*) in subsection (1), after "works" first occurring there shall be inserted ", whether in pursuance of arrangements made or otherwise"; and the words from "made" to the end shall be omitted;

(*b*) after subsection (1) there shall be inserted the following new subsection:—

"(1A) The approval of the Secretary of State under subsection (1) above shall not be given if the works have been begun, unless he is satisfied that there were good reasons for beginning the works before the application had been approved by him.";

(*c*) in subsection (2)(*a*), after "works", where that word secondly occurs, there shall be inserted "whether in pursuance of arrangements made or otherwise";

(*d*) after subsection (5), there shall be inserted the following new subsection:—

"(5A) Without prejudice to subsection (5) above, the Secretary of State may direct that in the case of a class or classes of predominantly residential areas or in the case of a particular predominantly residential area subsection (4) above shall have effect as if for the amount of £200 mentioned in that subsection as amended, or such other amount as may be substituted for that amount under subsection (5) above, there were substituted a greater amount.";

(*e*) in subsection (6), for "an amount of borrowed money equal to the amount of the exchequer contribution" there shall be substituted "a loan of that amount";

(*f*) in subsection (8), at the end there shall be added:—

'and "housing association" means a registered housing association within the meaning of the Housing Act 1974'. 1974 c. 44.

32. After section 59 there shall be inserted the following new section:—

"Application of sections 58 and 59 to the Scottish Special Housing Association and to development corporations.

59A. Sections 58 and 59 of this Act shall apply to the Scottish Special Housing Association and to development corporations as they apply to local authorities, subject to the following modifications:—

(*a*) as respects the Scottish Special Housing Association—

(i) subsection (1) of section 58, in so far as it confers a power of compulsory purchase and a power to assist by way of

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grants or loans, and subsection (7) of section 59 shall not apply;

(ii) in subsection (1) of section 58, "district" shall mean a district in which the Scottish Special Housing Association have an interest as owners of land;

(*b*) as respects development corporations, subsection (1) of section 58, in so far as it confers a power of compulsory purchase, shall not apply; and "district" shall mean the designated area of a development corporation."

1969 c. 48. *The Post Office Act* 1969

33. In Schedule 4,

(*a*) in paragraph 83(1), for "I of the Housing (Scotland) Act 1969" there shall be substituted "II of the Housing (Scotland) Act 1974",

(*b*) in paragraph 83(2), for "14 of the Housing (Scotland) Act 1969" there shall be substituted "33 of the Housing (Scotland) Act 1974",

(*c*) in paragraph 83(3), for "14(4) of the Housing (Scotland) Act 1969" there shall be substituted "33(4) of the Housing (Scotland) Act 1974".

1971 c. 28. *The Rent (Scotland) Act* 1971

34. Section 16 shall cease to have effect.

35. In section 24(1), after "1968" there shall be inserted "or under Part I of the Housing (Scotland) Act 1974"; and subsection (4)(*a*)(ii) and (iii) shall be omitted.

36. In section 29, paragraphs (*a*)(ii) and (iii) shall be omitted.

37. In section 71(2), for "Part II of the Act of 1968" there shall be substituted "Part I of the Housing (Scotland) Act 1974".

38. In section 79, after "1968" there shall be inserted "or Part I of the Housing (Scotland) Act 1974".

39. In section 80,

(*a*) in subsection (2)(*b*), after "1968" there shall be inserted "or Part I of the Housing (Scotland) Act 1974".

(*b*) in subsection (3), at the end there shall be inserted "or section 4(2) of the Housing (Scotland) Act 1974".

40. In Schedule 13, in paragraphs 1(*b*) and 8(*b*), after "1968" there shall be inserted "or Part I of the Housing (Scotland) Act 1974".

1972 c. 46. *The Housing (Financial Provisions) (Scotland) Act* 1972

41. In section 12—

(*a*) in paragraph (*d*), the words from "in accordance" to the end of the paragraph shall be omitted;

(*b*) in head (ii), for "16" there shall be substituted "14";

(*c*) in head (iii), the words "7(*b*)" shall be omitted.

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42. In section 23(1)(*e*), for the reference to a housing treatment area there shall be substituted a reference to a housing action area within the meaning of Part II of the Housing (Scotland) Act 1974; for "section 5 of the Act of 1969" there shall be substituted "Part II of the said Act of 1974"; and for the reference to the tolerable standard there shall be substituted a reference to the standard specified under section 16(3) or by virtue of section 17(3) of the Housing (Scotland) Act 1974.

43. In section 44(1), after "1968" there shall be inserted "or Part I of the Housing (Scotland) Act 1974".

44. In Schedule 4, after paragraph 1(1)(*c*)(iii) there shall be inserted—

"(iv) the rent income subsidy payable under section 46 of the Housing (Scotland) Act 1974;".

45. In Schedule 6, in paragraph 13, at the end there shall be inserted "or Part I of the Housing (Scotland) Act 1974".

46. In Schedule 9, paragraphs 17 to 19 and 21 shall be omitted.

The Town and Country Planning (Scotland) Act 1972 1972 c. 52.

47. In section 186, for "7 of the Housing (Scotland) Act 1969" there shall be substituted "26 of the Housing (Scotland) Act 1974"; and for "10(2) and (3) of the said Act of 1969" there shall be substituted "29(2) and (3) of the Housing (Scotland) Act 1974".

The Land Compensation (Scotland) Act 1973 1973 c. 56.

48. In section 27(7), in paragraph (*b*) the word "or" shall be omitted; and after paragraph (*c*) there shall be inserted the following new paragraph:—

"or

(*d*) a final resolution under Part II of the Housing (Scotland) Act 1974".

49. In section 34(2), for the reference to section 10 of the Housing (Scotland) Act 1969 there shall be substituted a reference to section 29 of the Housing (Scotland) Act 1974.

50. In section 38(6), for "Housing (Scotland) Act 1969 by section 2" there shall be substituted "Housing (Scotland) Act 1974 by section 14"

51. In section 69,—

(*a*) in subsection (1), for the references to a housing treatment area there shall be substituted references to a housing action area.

(*b*) in subsection (1)(*a*), for the words from "section 4" to the end of the paragraph there shall be substituted the words "section 15 or 17 of the Housing (Scotland) Act 1974 or under section 16 of that Act in relation to houses or parts of buildings which have been identified in accordance with section 18(4)(*c*) of that Act."

(*c*) in subsection (1)(*b*), for the words from "treatment area" to the end there shall be substituted the words "whether

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or not the resolution identifies any of the buildings in accordance with section 18(4)(*a*)".

(*d*) in subsection (3), for "section 5 of the Housing (Scotland) Act 1969" there shall be substituted "Part II of the Housing (Scotland) Act 1974".

Section 50.

SCHEDULE 4

TRANSITIONAL PROVISIONS AND SAVINGS

Transitional provisions

1. Subject to the provisions of paragraphs 2 and 3 below, the repeal of sections 1 to 16 of the Housing (Scotland) Act 1969 by this Act shall not affect a resolution passed in pursuance of section 4(2)(*a*), (*b*) or (*c*) of the Housing (Scotland) Act 1969 or a compulsory purchase order authorised under section 7 of that Act before the appointed day for the coming into force of those repeals; and any such resolution or compulsory purchase order may be proceeded with in accordance with the provisions of that Act as if this Act had not been passed.

1969 c. 34.

2. Where before the relevant appointed day for this Act a resolution has been passed under section 4(2)(*b*) or (*c*) of the Housing (Scotland) Act 1969, the provisions of section 11 of this Act may, with the consent of the Secretary of State, apply to the area defined in the resolution as though the area were a housing action area for improvement or for demolition and improvement under Part II of this Act but the maximum standard to which the local authority may secure improvement in the area shall be the tolerable standard within the meaning of section 14 of this Act.

3. Nothing in this Act shall preclude the making of a compulsory purchase order made under section 7 of the Housing (Scotland) Act 1969 in pursuance of a resolution made under section 4 of that Act before the relevant appointed day; and any such order may be proceeded with in accordance with the provisions of that Act as if this Act had not been passed.

Savings

1968 c. 31.

4.—(1) The amendments made to section 13 of the Housing (Financial Provisions) (Scotland) Act 1968 by this Act shall not have effect in any case where improvement proposals have been approved and the work has been begun before the appointed day for those amendments, but the said section in relation to such proposals as aforesaid shall have effect as if this Act had not been passed.

(2) Where the Secretary of State has approved an improvement proposal but the work has not been begun before the appointed day, the work may thereafter be begun and the said section shall have effect as in the foregoing subparagraph.

(3) Where the Secretary of State has approved improvement proposals but he is satisfied that the work has not been begun before the appointed day, he shall allow the proposals to be withdrawn and new proposals to be submitted for approval under the said section as amended by this Act.

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5.—(1) Where an application has been approved under Part II of the Housing (Financial Provisions) (Scotland) Act 1968 and the work has been begun before the appointed day for the coming into force of the repeal of the relevant provisions of the said Part II, the provisions of that Part shall have effect in relation to that application as if this Act had not been passed.

(2) Where the local authority have approved an application under the said Part II but the work has not been begun before the appointed day, the work may thereafter be begun, and the said Part II shall have effect as in the foregoing sub-paragraph.

(3) Where an application has been approved by the local authority under the said Part II and the local authority are satisfied that the work has not been begun, the applicant may withdraw that application and submit a new application under Part I of this Act.

SCHEDULE 5

Section 50.

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
1966 c. 49.	The Housing (Scotland) Act 1966.	In section 143(1), the words from "notwithstanding" to the end of the subsection.
1968 c. 31.	The Housing (Financial Provisions) (Scotland) Act 1968.	Sections 27 to 43. In section 53(1), the words from "or as the case may be" to "standard amenities". Section 54. Section 56. In section 64(*b*), the words "27 to 31, 34 to 38". In section 67(2), the definition "Highlands and Islands". Schedule 3.
1969 c. 34.	The Housing (Scotland) Act 1969.	Sections 1 to 16. Sections 33 to 43. Section 60. In Schedule 6, paragraphs 35 to 38.
1971 c. 28.	The Rent (Scotland) Act 1971.	Section 16. Section 24(4)(*a*)(ii) and (iii). Section 29(*a*)(ii) and (iii).
1972 c. 46.	The Housing (Financial Provisions) (Scotland) Act 1972.	In section 12, in paragraph (*d*) the words from "in accordance" to the end of the paragraph; and, in head (iii), the words "(7)(*b*)". In Schedule 9, paragraphs 17 to 19 and 21.
1973 c. 56.	The Land Compensation (Scotland) Act 1973.	In section 27(7), in paragraph (*b*), the word "or".
1973 c. 65.	The Local Government (Scotland) Act 1973.	In section 121(1), the references to sections 29(3) and 31(4) of the Housing (Financial Provisions) (Scotland) Act 1968.