Session and Chapter.	Short title.	Extent of Repeal.
6 & 7 Geo. 5. c. 38.	The Small Holding Colonies Act, 1916.	In section one the words "during the "continuance of the present war and "a period of twelve months there-"after."
8 & 9 Geo. 5. c. 26.	The Small Holding Colonies (Amendment) Act, 1918.	Section one from "Provided that" to "the same in feu."

CHAPTER 60.

An Act to amend the enactments relating to Housing, Town Planning, and the acquisition of Small Dwellings in Scotland. [19th August 1919.]

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

PART I.

HOUSING OF THE WORKING CLASSES.

Schemes under Part III. of Act of 1890.

Duty of local authority to prepare housing schemes. 53 & 54 Vict. c. 7.

1.—(1) It shall be the duty of every local authority within the meaning of Part III. of the Housing of the Working Classes Act, 1890 (in this Act referred to as the principal Act), to consider the needs of their district with respect to the provision of houses for the working classes, and within three months after the passing of this Act, and thereafter as often as occasion arises, to prepare and submit to the Scottish Board of Health (in this Act referred to as the Board) a scheme for the exercise of their powers under the said Part III.

(2) A scheme under this section shall specify—

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

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

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

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

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

(3) The Board may approve any such scheme or any part thereof without modification or subject to such modifications as they think fit, and the scheme or part thereof when so approved shall be binding on the local authority; but if the Board consider the scheme inadequate they may refuse to approve the scheme and require the authority to prepare and submit to them an adequate scheme within such time as they may fix, or they may approve the scheme or part thereof subject to the condition that the authority prepare and submit to them a further scheme within such time as they may fix: Provided that local authorities in preparing, and the Board in approving, any scheme shall take into account, and, so far as possible, preserve existing erections of architectural, historic, or artistic interest, and shall have regard to the natural amenities of the locality.

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

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

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

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

(8) Where any proposals as to the provision of houses for the working classes have before the passing of this Act been submitted to the Board by a local authority, and those proposals have been approved by the Board either before or after the passing of this Act, the proposals shall be treated, for any of the purposes of this section, as if they were a scheme submitted under this section.

Duty of local authority to carry out approved schemes.

2. It shall be the duty of a local authority on which obligations are imposed by any scheme approved under the foregoing section of this Act to carry that scheme into execution within

such time as may be specified in the scheme or within such further time as may be allowed by the Board.

Power of Board to act in place of Local Authorities.

Power of Board to act in place of local authority.

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

(2) Any expenses incurred by the Board in the exercise of such powers as aforesaid shall, in the first instance, be paid out of moneys provided by Parliament, but the amount certified by the Board to have been so expended, and to be properly payable by a local authority, shall on demand be paid to the Board by the local authority and shall be recoverable as a debt due to the Crown, and the payment of the sum so payable to the Board shall be a purpose for which the local authority may borrow under Part III. of the principal Act.

Power of Board to act in default of local authority under Parts I. and II. of principal Act.

4. Without prejudice to any other powers for enforcing the provisions of the Housing Acts, where the Board are satisfied that any area within the district of a local authority is an area in respect of which the local authority ought to exercise their powers under Part I. or Part II. of the principal Act, the Board may by order require the local authority to make a scheme for the improvement of that area either under Part I. or under Part II. of that Act, and to do all things necessary under the Housing Acts for carrying into execution the scheme so made, and, if the local authority fail within such time as may be prescribed by the order to make a scheme to the satisfaction of the Board, and to carry the scheme into execution, the Board may themselves make and take such steps as may be necessary to carry out a scheme, and the provisions of the foregoing section of this Act in regard to the powers of the Board and to expenses incurred by the Board in the exercise thereof shall apply.

Financial Provisions.

Power to recoup losses.

5.—(1) If it appears to the Board that the carrying out by a local authority of any scheme approved under section one of this Act, or the carrying out of a rehousing scheme in connection with a scheme made under Part I. or Part II. of the principal Act, including the acquisition, clearance, and development of land included in the last-mentioned scheme, and whether the rehousing will be effected on the area included in that scheme or elsewhere, or the carrying out of any scheme approved by the Board for the provision of houses for persons in the employment of or paid by a county council, has resulted or is likely to result in a loss, the Board shall, if the scheme is carried out within such period after the passing of this Act as may be specified by the Board with the consent of the Treasury, pay or undertake to pay to the local authority or county council, as the case may be, out of moneys provided by Parliament, such part of the loss as may be determined to be so payable by regulations made by the Board, with the approval of the Treasury, subject to such conditions as may be prescribed by those regulations. Such regulations shall provide that the amount of any annual payment to be made under this section shall—

(*a*) in the case of a scheme carried out by a local authority, be determined on the basis of the estimated annual loss resulting from the carrying out of any scheme or schemes to which this section applies, subject to the deduction therefrom of a sum not exceeding the estimated annual produce of a rate of four-fifths of one penny in the pound levied in the area chargeable with the expenses of such scheme or schemes; and

(*b*) in the case of a scheme for the provision of houses for persons in the employment of or paid by a county council, be an amount equivalent to thirty per centum of the annual loan charges as calculated in accordance with the regulations on the total capital expenditure incurred by the county council for the purposes of the scheme:

Provided that the regulations shall include provisions—

(i) for the reduction of the amount of the annual payment in the event of a failure on the part of the local authority or county council to secure due economy in the carrying out and administration of a scheme, to charge sufficient rents, or otherwise to comply with the conditions prescribed in the regulations;

(ii) for the determination of the manner in which the produce of a rate of four-fifths of one penny in the pound shall be estimated; and

(iii) for any adjustment which may be necessary in consequence of any difference between the estimated annual produce and the actual produce of the said rate of four-fifths of one penny in the pound:

Provided further, that every regulation so made shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an Address is presented by either House within twenty-one days from the date on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, but without prejudice to the validity of anything previously done thereunder.

(2) Where a loan is made by the Public Works Loan Commissioners for the purposes of a scheme towards the losses on which the Board is liable to contribute under this section, the loan shall, notwithstanding anything in section three of the 9 Edw. 7. c. 44. Housing, Town Planning, &c. Act, 1909, be made on such terms and conditions as the Treasury may prescribe. This subsection shall be deemed to have had effect as from the first day of April, nineteen hundred and nineteen, as respects any proposals made by a local authority and approved by the Board before the passing of this Act as respects which the Board may have signified their intention to direct that they shall be treated as a scheme for the purposes of this section.

Borrowing powers of county councils in connection with the housing of employees. 52 & 53 Vict. c. 50.

6.—(1) Where money is borrowed by a county council for the purpose of the provision of houses for persons in the employment of or paid by the county council or a district committee, or of acquiring land for such houses, the maximum period for repayment shall be eighty years, and as respects money so borrowed eighty years shall be substituted for thirty years in subsection (2) of section sixty-seven of the Local Government (Scotland) Act, 1889.

(2) Where a loan is made by the Public Works Loan Commissioners to a county council for the purpose aforesaid, it shall be made on the same terms and conditions as a loan to a local authority for the purposes of the Housing Acts.

Houses for employees of district boards of control.

7. This Act shall apply for the purpose of the provision of houses for persons in the employment of or paid by a district board of control under the Lunacy (Scotland) Acts, 1857 to 1913, as it applies for the purpose of the like provision for persons in the employment of or paid by a county council.

Provisions as to the Acquisition and Disposition of Land, &c.

Provisions as to assessment of compensation.

8.—(1) Where land included in any scheme made under Part I. or Part II. of the principal Act (other than land included in such a scheme only for the purpose of making the scheme efficient and not on account of the sanitary condition of

the premises thereon or of those premises being dangerous or prejudicial to health) is acquired compulsorily, the compensation to be paid for the land, including any premises thereon which are in an insanitary condition or are dangerous or prejudicial to health as aforesaid, shall be the value at the time when the valuation is made of the land as a site cleared of buildings and available for development in accordance with the building regulations for the time being in force in the district:

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

(2) The provisions of sections twenty-one and forty-one of the principal Act shall cease to apply as respects lands to which the provisions of this section apply in so far as such first-mentioned provisions are inconsistent or in conflict with the provisions of this section.

Power of entry on land compulsorily acquired.

9. Where an order authorising a local authority to purchase land compulsorily for the purpose of Part III. of the principal Act has been made and confirmed under the provisions of Part I. of the Housing, Town Planning, &c. Act, 1909, then, at any time after notice to treat has been served, the local authority may, after giving not less than fourteen days' notice to the owner and occupier of the land, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those sections had been complied with.

8 & 9 Vict. c. 19.

Amendment of procedure for compulsory acquisition of land.

10.—(1) Where the confirming of an order made under the First Schedule to the Housing, Town Planning, &c. Act, 1909, is opposed, the Board shall, before confirming the order, and subject to the provisions of the next succeeding subsection, duly consider the report of the person by whom, under paragraph (6) of that schedule, a public inquiry is held, and the Board shall not confirm any order for the compulsory acquisition of land under that schedule, even when the order is unopposed, if they are of opinion that the land is unsuited for the purpose for which it is proposed to be acquired.

(2) Notwithstanding the provisions of paragraph (6) of the First Schedule to the Housing, Town Planning, &c. Act, 1909, any order for the compulsory acquisition of land which is duly submitted after the date of the passing of this Act, and before the expiration of two years from that date, by a local authority under the provisions of Part I. of the Housing, Town Planning, &c. Act, 1909, may be confirmed by the Board without a public inquiry.

(3) The amendments to the said schedule effected by this Act shall apply to that schedule as originally enacted, but not as applied by any other enactment.

Additional powers as to acquisition of land and houses.

11.—(1) The powers of a local authority to acquire land for the purposes of Part III. of the principal Act shall be deemed to include power—

(*a*) to acquire any houses or other buildings on the land proposed to be acquired as a site for the erection of houses for the working classes; and

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

and the local authority shall have power to alter, enlarge, repair, and improve any such houses or buildings so as to render them in all respects fit for habitation as houses for the working classes.

(2) The purposes for which land may be acquired under Part III. of the principal Act shall be deemed to include—

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

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

(3) Subject to the consent of the Board and to such conditions as the Board may prescribe, a local authority may, for the purposes of Part III. of the principal Act, contract for the purchase by or leasing to the authority of houses suitable for the working classes, whether built at the date of the contract or intended to be built thereafter.

Power to acquire land in advance.

12. Where a local authority have, under section four of the principal Act, passed a resolution that an area is an unhealthy area and that an improvement scheme ought to be made in

respect of such area, or have, under section thirty-nine of the principal Act, passed a resolution directing a scheme to be prepared for the improvement of an area, the local authority may, with the consent of and subject to any conditions imposed by the Board, acquire by agreement any lands included within the area, notwithstanding that the scheme may not at the time of acquisition have been made by the local authority or confirmed or sanctioned by the Board; and the acquisition of such lands shall be deemed to be a purpose for which the local authority may borrow money under and subject to the provisions of Part I. or, as the case may be, Part II. of the principal Act.

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

13. Without prejudice to any powers, whether statutory or otherwise, already enjoyed by an heir of entail in possession of an entailed estate in Scotland to sell or grant feus of any part of such estate, any such heir in possession may, notwithstanding any prohibition or limitation in any deed of entail or in any Act of Parliament, sell or feu to a local authority any part or parts of such estate for any purpose for which a local authority may acquire land under the Housing Acts, or to a public utility society or housing trust, for the purpose of the provision of houses for the working classes, without its being necessary to obtain the consent of the next heir, and without any restriction as to the extent of ground to be sold or feued, excepting, however, from the provisions of this section, the subjects excepted in section four of the Entail (Scotland) Act, 1914: 4 & 5 Geo. 5. c. 43.

Provided that—

(i) the price of land so sold shall, in accordance with the provisions of the Entail Acts, be invested for behoof of the heir of entail in possession and succeeding heirs of entail, and the feu duty shall be received for the same behoof; and

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

Powers of dealing with land acquired.

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

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

(*b*) with the consent of the Board, sell, lease, or feu the land or part thereof to any person under the condition that that person will erect and maintain thereon such number of houses suitable for the working classes as may be fixed by the local authority in accordance

with plans approved by them, and when necessary will lay out and construct public streets or roads and open spaces on the land, or use the land for purposes which, in the opinion of the local authority, are necessary or desirable for or incidental to the development of the land as a building estate in accordance with plans approved by the local authority;

(*c*) with the consent of the Board, sell the land or excamb it for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange;

(*d*) with the consent of the Board, sell or lease any houses on the land or erected by them on the land, subject to such conditions, restrictions, and stipulations as they may think fit to impose either in regard to the maintenance of the houses as houses for the working classes or otherwise in regard to the use of the houses.

(2) Where a local authority under this section sell, feu, or lease land subject to any condition as to the erection thereon of houses, or the laying out and construction of streets or roads or the development of the land, there shall be included in the conveyance, feu-contract, feu-charter, or lease all such restrictions, conditions, and stipulations as may be necessary to secure compliance with the condition aforesaid within a reasonable period, and to limit the amount of the rent which may be charged in respect of the land or any part thereof, or in respect of the houses erected thereon; and the local authority may contribute or agree to contribute towards the expenses of the development of the land and the laying out and construction of streets or roads thereon, subject to the condition that such streets or roads are dedicated to the public use.

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

Provisions for encouraging the provision of Houses by Public Utility Societies and Housing Trusts and otherwise.

Powers of promoting and assisting public utility societies.

15.—(1) A local authority within the meaning of Part III. of the principal Act, or a county council, may promote the formation or extension of, or subject to the provisions of this

section, assist a public utility society whose objects include the erection, improvement, or management of houses for the working classes.

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

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

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

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

on such terms and conditions as to rate of interest and repayment or otherwise and on such security as the local authority or council think fit, and, notwithstanding the provisions of section four of the Industrial and Provident Societies Act, 1893, where a local authority or county council assist such a society under this subsection, the local authority or council shall not be prevented from having or claiming any interest in the shares of the society exceeding two hundred pounds. 56 & 57 Vict. c. 39.

(3) Any expenses incurred by a local authority under the provisions of this section shall be defrayed in the same manner as the expenses of the local authority under Part III. of the principal Act, and the raising of money for the purpose of making grants or loans to or subscribing for the capital of a society under this section shall be a purpose for which the authority may borrow under that Part of that Act.

(4) Any expenses incurred by a county council under this section shall be defrayed out of the general purposes rate, and the raising of money for the purpose of making grants or loans to or subscribing for the capital of a society under this section shall be a purpose for which the county council may borrow, subject to the provisions of section sixty-seven of the Local Government (Scotland) Act, 1889: Provided that—

(*a*) notwithstanding anything contained in that Act, the ratepayers of a police burgh shall not be assessed by the county council for any such expenses; and

(*b*) where money is borrowed by the county council for the purpose aforesaid, the maximum period for repayment shall be fifty years, and as respects money so borrowed "fifty years" shall be substituted for thirty years in subsection (2) of section sixty-seven of that Act.

Power of contributing to costs incurred by public utility societies and housing trusts.

16.—(1) Where a public utility society or a housing trust has submitted to the Board a scheme for the provision of houses for the working classes and the scheme is approved by the Board then, if the scheme is carried out within such period after the passing of this Act as may be specified by the Board with the consent of the Treasury, the Board may pay or undertake

to pay out of moneys provided by Parliament such contributions towards the cost of carrying out the scheme as may be determined to be payable under regulations made by the Board, with the approval of the Treasury, and subject to such conditions (including conditions as to audit of accounts by auditors appointed by the Board) as may be prescribed by those regulations.

(2) Such regulations shall provide that the amount of any annual payment to be made under this section shall be equivalent to thirty per centum of the annual loan charges which would have been payable in accordance with the regulations on the total capital expenditure incurred by the public utility society or housing trust for the purposes of the scheme if the amount of the expenditure had been borrowed from the Public Works Loan Commissioners:

Provided that the regulations shall include provision for the reduction of the amount of the annual payment in the event of the Board being satisfied that the capital expenditure incurred by the public utility society or housing trust has been excessive.

Every regulation so made shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an Address is presented by either House within twenty-one days from the date on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, but without prejudice to the validity of anything previously done thereunder.

Loans to public utility societies.

17.—(1) The purposes referred to in subsection (1) of section sixty-seven of the principal Act for which the Public Works Loan Commissioners may advance money on loan shall extend to the purchase of houses which may be made suitable as houses for the working classes and to the purchase and development of land by a public utility society.

38 & 39 Vict. c. 89.

(2) Notwithstanding anything contained in the Public Works Loans Act, 1875, or any Act amending that Act, where a loan is made by the Public Works Loan Commissioners under section sixty-seven of the principal Act to a public utility society for the purpose of carrying out a scheme for the provision of houses for the working classes approved by the Board:—

(*a*) The maximum period for the repayment of the loan shall be fifty instead of forty years:

20 & 21 Vict. c. 26.

(*b*) Money may be lent on heritable security over a lease recorded under the Registration of Leases (Scotland) Act, 1857, whereof a period not less than ten years in excess of the period fixed for the repayment of the sums advanced remains unexpired at the date of the loan:

(c) In the case of loans made during such period after the passing of this Act as may be specified by the Board, with the consent of the Treasury, the money advanced on heritable security on any land or dwellings solely may exceed two-thirds but shall not exceed seventy-five per centum of the purchase price of the land and of the cost of its development and of the houses proposed to be burdened with the heritable security as certified by the Board; but advances may be made by instalments in respect of the purchase price of the land to be acquired and of the cost of its development, and in respect of the building of any house or houses on the land burdened with the heritable security as such building progresses, so that the total of the advances does not at any time exceed the amount aforesaid; and a heritable security may accordingly be made to secure advances so to be made from time to time.

Loans to private persons.

18. During the period of two years after the passing of this Act the money which may be advanced by the Public Works Loan Commissioners to any private person for the purpose of constructing houses for the working classes on heritable security on any land or dwellings solely may, if the Commissioners think fit, and if the houses are constructed in accordance with plans and specifications approved by the Board, exceed the amount specified in subsection (2) of section sixty-seven of the principal Act, but shall not exceed seventy-five per centum of the value of the estate or interest in such land or dwellings proposed to be burdened with the heritable security; and advances may be made by instalments from time to time as the building of the houses on the land burdened with the heritable security progresses, so that the total of the advances does not at any time exceed the amount last mentioned, and a heritable security may accordingly be made to secure advances so to be made from time to time.

Loans by local authorities for the improvement of housing accommodation.

19.—(1) Where the owner of a house or building applies to the local authority of the district in which the house or building is situated for assistance for the purpose of carrying out works for the reconstruction, enlargement, or improvement of the house or building, and the authority are of opinion that after the works are carried out the house or building would be in all respects fit for habitation as a house or houses for the working classes, and that the circumstances of the district in regard to housing accommodation are such as to make it desirable that the works should be carried out, the authority may lend to the owner the whole or any part of such sum as may be necessary to defray the cost of the works and any costs, charges, or expenses incidental thereto:

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

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

(3) The raising of money for the purpose of making a loan under this section shall be a purpose for which the local authority may borrow for the purposes of Part III. of the principal Act.

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

Purchase of building materials from Government Department.

20. Subject to any conditions prescribed by the Board with the consent of the Treasury, any bricks or other building materials which have been acquired by a Government Department for the purpose of the erection or improvement of houses for the working classes, may, during a period of five years from the passing of this Act, be sold to any person who undertakes to use the same forthwith for the purpose of erecting or improving houses for the working-classes and to comply with the said conditions at a price sufficient to cover the cost of replacement at the time of sale of the materials so sold.

Relaxation of Building Regulations.

Relaxation of building regulations.

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

(*b*) Where the Board have approved plans and specifications which in certain respects are inconsistent with the provisions of

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

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

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

Consent of local authority to erection and use of buildings.

22.—(1) Notwithstanding the provisions of any building regulations, a local authority may, during the period of three years after the passing of this Act, consent to the erection and use for human habitation of any buildings erected or proposed to be erected in accordance with any regulations made by the Board.

(2) The local authority may attach to their consent any condition which they may deem proper with regard to the situation, sanitary arrangement, and protection against fire of such buildings, and may fix, and from time to time extend, the period during which such buildings shall be allowed to be used for human habitation.

(3) If any person feels aggrieved by the neglect or refusal of the local authority to give such consent, or with the conditions on which such consent is given, or as to the period for which consent is allowed for the use of such buildings for human habitation, he may appeal to the Board, whose decision shall be final, and shall have effect as if it were the decision of the local authority.

Miscellaneous.

Publication of details of progress in connexion with approved schemes.

23. It shall be the duty of the local authority or county council, as the case may be, to furnish to the Board on the thirty-first day of March, nineteen hundred and twenty, and at intervals of six months thereafter until the thirty-first day of March, nineteen hundred and twenty-seven, a return showing for the period up to the thirty-first of March, nineteen hundred

and twenty, and thereafter for the six months preceding the date of the return—

(*a*) the number of houses completed under any approved scheme;

(*b*) the average number of apartments in such houses;

(*c*) the number of such houses occupied;

(*d*) the average cost of the completed houses so far as ascertained;

(*e*) the average rent of the houses occupied;

and the Board shall prepare and publish a summary of the returns as soon as may be after they have been received.

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

24.—(1) If the owner of any house in respect of which a closing order is in force or any other person lets or attempts to let or occupies or permits to be occupied that house or any part thereof as a dwelling-house, he shall, on summary conviction, be liable to a penalty not exceeding twenty pounds.

(2) The owner of any such house shall not let or use the same for any purpose unless he shall previously have obtained the consent of the local authority to the purpose for which such house is proposed to be let or used, and any owner acting in contravention of this subsection shall, on summary conviction, be liable to a penalty not exceeding twenty pounds.

Repair of houses.

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

Provided that, if such house is not capable without reconstruction of being rendered fit for human habitation, the owner may, within twenty-one days after the receipt of such notice, by written notice to the local authority declare his intention of closing the house for human habitation, and thereupon a closing order shall be deemed to have become operative in respect of such house. Any question arising under this proviso shall, in case of difference between the owner and the local authority, be determined by the sheriff.

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

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

(*b*) at the expiration of twenty-one days from the determination by the sheriff if such notice has been given by

the owner, and the sheriff has determined that the house is capable without reconstruction of being made fit for human habitation,

do the work required to be done, and may recover the expenses incurred by them from the owner, and for that purpose the provisions of subsections (5) and (6) of section fifteen of the Housing, Town Planning, &c. Act, 1909, with respect to the execution of works and the recovery of expenses by local authorities and with respect to the landlords' right of appeal shall apply as if the owner were the landlord, and with such other adaptations as may be necessary.

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

(4) This section shall be deemed to be part of Part II. of the principal Act.

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

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

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

Arrangements between Board and other departments.

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

Part I. of principal Act may be applied to districts other than burghs.

28.—(1) Notwithstanding the provisions of section three of the principal Act (which confines the application of Part I. of that Act to burghs), it shall be lawful for the local authority of any district other than a burgh to apply to the Board for an order declaring that Part I. of the said Act shall apply to their district, and the Board, if they are satisfied, after such inquiry (if any) as they may think fit, that the conditions of the whole

or any part of such district approximate as regards housing to those of a burgh, and are such that it is desirable that Part I. of the said Act should apply to such district, may make an order accordingly, and thereupon the said Part shall apply to that district.

(2) The expenses incurred in the execution of Part I. of the principal Act by the local authority of a district other than a burgh to which that Part has been applied by order as aforesaid shall be defrayed in the same manner as the expenses incurred by the local authority of a district other than a burgh in the execution of Part III. of the principal Act, and the provisions of the Housing Acts as to the defraying of such expenses shall apply accordingly.

Provisions of Housing Acts not to be affected by the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915. 5 & 6 Geo. 5. c. 97.

29. Nothing in the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, or in the enactments amending that Act, shall be deemed to affect the provisions of section seventeen of the Housing, Town Planning, &c. Act, 1909, or to prevent a local authority from obtaining possession of any house the possession of which is required by them for the purpose of exercising their powers under the Housing Acts, or under any scheme made under those Acts.

Procedure and minor amendments of Housing Acts.

30.—(1) The amendments specified in the second column of the Second Schedule to this Act (which relate to procedure under Part I. and Part II. of the principal Act and to minor details) shall be made in the provisions of the principal Act, and the Housing, Town Planning, &c. Act, 1909, specified in the first column of that schedule as those provisions apply to Scotland.

(2) Sections fourteen and fifteen of the Housing, Town Planning, &c. Act, 1909, shall be deemed to be part of Part II. of the principal Act as that Part of that Act applies to Scotland.

Construction.

31. This Part of this Act shall be construed as one with the principal Act, and any provisions of this Part of this Act which supersede or amend any provisions of the principal Act shall be deemed to be part of that Part of the principal Act in which the provisions superseded or amended are contained, and references in this Part of this Act to the principal Act or to any provision of the principal Act shall be construed as references to that Act or provision as amended by any subsequent enactment, including this Part of this Act.

In this Part of this Act—

The expression "houses for the working classes" has the same meaning as the expression "lodging-houses for the working classes" has in the principal Act;

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

whereof prohibit the payment of any interest or dividend at a rate exceeding six per centum per annum;

The expression "housing trust" means a corporation or body of persons which by the terms of its constituent instrument is required to devote the whole of its funds, including any surplus which may arise from its operations, to the provision of houses for persons the majority of whom are in fact members of the working classes, and to other purposes incidental thereto;

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

PART II.

TOWN PLANNING.

Duty of local authority to prepare town-planning scheme

32.—(1) The council of every burgh, the population of which, on the first day of January, nineteen hundred and twenty-three, exceeds, according to the last census for the time being, twenty thousand, and any other local authority if required by the Board shall, within three years after that date, prepare and submit to the Board a town-planning scheme with reference to any land within the area of such council or other local authority in regard to which a town-planning scheme may be made under the Housing, Town Planning, &c. Act, 1909.

(2) Without prejudice to the powers of the council or other local authority under the said Act, every scheme to which this section applies shall deal with such matters as may be determined by regulations to be made by the Board.

(3) Every regulation so made shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an Address is presented by either House within twenty-one days from the date on which that House has sat next after such regulation is laid before it praying that such regulation may be annulled, His Majesty in Council may annul the regulation but without prejudice to the validity of anything previously done thereunder.

Power of Board to require town-planning scheme.

33.—(1) Where the Board are satisfied, after holding a public local inquiry, that a town-planning scheme ought to be made by a local authority, as respects any land in regard to which a town-planning scheme may be made under the Housing, Town Planning, &c. Act, 1909, the Board may by order require a local authority to prepare and submit for their approval such a scheme, and, if the scheme is approved by the Board, to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively and for executing any

works which under the scheme or under Part II. of the Housing, Town Planning, &c. Act, 1909, the authority is required to execute.

(2) Any order made by the Board under this section shall have the same effect as a resolution of the local authority deciding to prepare a town-planning scheme in respect of the area in regard to which the order is made.

(3) If the local authority fail to prepare a scheme to the satisfaction of the Board within such time as may be prescribed by the order, or to enforce the observance of the scheme or any provisions thereof effectively, or to execute any such works as aforesaid, the Board may themselves act, in the place and at the expense of the local authority.

Previous authority to prepare or adopt town-planning scheme no longer necessary.

34. It shall not be necessary for a local authority to obtain the authority of the Board to prepare or to adopt a town-planning scheme, and accordingly for subsection (2) of section fifty-four of the Housing, Town Planning, &c. Act, 1909, there shall be substituted the following subsection:—

"(2) A local authority within the meaning of this Part of this Act may by resolution decide—

(*a*) to prepare a town-planning scheme with reference to any land within or in the neighbourhood of their district in regard to which a scheme may be made under this Act; or

(*b*) to adopt, with or without any modifications, any town-planning scheme proposed by all or any of the owners of any land with respect to which the local authority are themselves by this Act authorised to prepare a scheme:

Provided that—

(i) any such resolution shall be forthwith notified to the Board;

(ii) if any such resolution extends to land not within the district of that local authority, the resolution shall not have effect until it is approved by the Board, and the Board may, in giving their approval, vary the extent of the land to be included within the area of the proposed town-planning scheme; and

(iii) where any local authorities are desirous of acting jointly in the preparation or adoption of a town-planning scheme, they may concur in appointing out of their respective bodies a joint committee for the purpose, and in conferring with or without restrictions on any such committee any powers which the appointing authorities might exercise for the purpose, and the provisions of

section seventy-six of the Local Government (Scotland) Act, 1889 (which relates to the appointment of joint committees) shall, with the necessary modifications, apply to any joint committee so appointed."

Extension of power to make regulations as to procedure.

35.—(1) The power of the Board to make regulations under section fifty-six of the Housing, Town Planning, &c. Act, 1909, shall include power to make regulations as to the procedure consequent on the passing of a resolution by a local authority to prepare or to adopt a town-planning scheme, and provision shall be made by those regulations for securing that a local authority after passing such a resolution shall proceed with all reasonable speed with the preparation or adoption of the town-planning scheme, and shall comply with any regulations as to steps to be taken for that purpose, including provisions enabling the Board in the case of default or dilatoriness on the part of the local authority to act in the place and at the expense of the local authority. Every regulation so made shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an Address is presented by either House within twenty-one days from the date on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, but without prejudice to the validity of anything previously done thereunder.

(2) Subsection (2) of section fifty-six of the said Act of 1909 shall have effect as if the following paragraph were added thereto:

"For securing that the council of the county in which any land proposed to be included in a town-planning scheme is situated (*a*) shall be furnished with a notice of any proposal to prepare or adopt such a scheme and with a copy of the draft scheme before the scheme is made, and (*b*) shall be entitled to be heard at any public local inquiry held by the Board in regard to the scheme."

Repeal of provisoes to s. 54 (4) and s. 55 (2) of 9 Edw. 7. c. 44.

36. The proviso to subsection (4) of section fifty-four and the proviso to subsection (2) of section fifty-five of the Housing, Town Planning, &c. Act, 1909 (which provisoes relate to the publication and laying before Parliament of town-planning schemes) are hereby repealed.

Power to permit development of estates pending preparation and approval of town-planning schemes.

37. The Board may by special or general order provide that where a resolution to prepare or adopt a town-planning scheme has been passed, or where before the passing of this Act the preparation or adoption of a town-planning scheme has been authorised, the development of estates and building operations may be permitted to proceed pending the preparation or adoption and approval of the town-planning scheme, subject to such

conditions as may be prescribed by the order, and, where such permission has been given, the provisions of subsection (2) of section fifty-eight of the Housing, Town Planning, &c. Act, 1909 (which relates to the rights of compensation), shall have effect as if the following proviso were added thereto :—

"Provided also that this provision shall not apply as respects any building erected, contract made, or other thing done in accordance with a permission granted in pursuance of an order of the Board allowing the development of estates and building operations to proceed pending the preparation or adoption and approval of the scheme, and the carrying out of works so permitted shall not prejudice any claim of any person to compensation in respect of property injuriously affected by the making of the scheme."

Consequential and minor amendments.

38. The amendments specified in the second column of the Third Schedule to this Act (which relate to consequential and minor matters) shall be made in the provisions of Part II. of the Housing, Town Planning, &c. Act, 1909, as those provisions apply to Scotland, mentioned in the first column of that schedule.

PART III.

ACQUISITION OF SMALL DWELLINGS.

Amendment of 62 & 63 Vict. c. 44

39. The following amendments shall be made in section one of the Small Dwellings Acquisition Act, 1899 :—

(*a*) In paragraph (*a*) of subsection (1) (which limits the amount which may be advanced for the purchase of small houses), for the words "four fifths" there shall be substituted the words "eighty-five per cent." :

(*b*) Paragraph (*b*) of subsection (1) (which further limits that amount) shall be repealed :

(*c*) In subsection (1) (which confines the making of advances to houses of a certain value) for the words "four hundred pounds" there shall be substituted the words "eight hundred pounds."

PART IV.

IMPROVEMENT OF HOUSING.

Provisions as to supply of water to houses in districts other than burghs.

40.—(1) For section one hundred and twenty-five of the Public Health (Scotland) Act, 1897 (which relates to the supply of water to houses in districts other than burghs), there shall be substituted the following section :—

"If any occupied house within the district of a local authority other than the local authority of a burgh is without a proper supply of wholesome water, the local authority shall require the owner to obtain such supply and to introduce it into

the house if it is reasonably practicable so to introduce it, and, if it is not, then to provide for such a supply immediately outside the house, or as near thereto as is reasonably practicable, and to do all such works as may be necessary, and if the owner fails, after due notice, within three months or such extended period as the local authority may prescribe, to carry out such requirement, the local authority may themselves do the necessary works, and for that purpose may use their powers of acquiring land by agreement or otherwise under this Act, and may enter upon the premises; and the local authority may recover in a summary manner from the owner the whole or a reasonable part of the expenses incurred by them under this section:

"Provided that—

(i) Where the owners of two or more houses have failed to comply with the requirements of any notice under this section and the local authority might under this section execute the necessary works for the supply of water for each house, the local authority may, if it appears to them desirable and no greater expense would be occasioned thereby, execute works for the joint supply of water for those houses, and may recover in a summary manner the whole or a reasonable part of the expenses incurred by them from such owners in such proportions from each as shall be just; and

(ii) Nothing in this section shall relieve the local authority from the duty of providing their district or any part thereof with a supply of water, where such supply is required, and can be provided at a reasonable cost.

"(2) Any question which may arise under this section shall be determined summarily by the sheriff, who shall have regard to all the circumstances of the case, and his decision shall be final."

Provision of watercloset or earthcloset in houses in districts other than burghs.

41.—(1) Without prejudice to the provisions of the Public Health (Scotland) Act, 1897, relating to sewers and drains, the local authority of every district other than a burgh shall require the owner of every occupied house or part of a house occupied by a separate family within their district to provide for each such house or part of a house a sufficient watercloset wherever it is reasonably practicable so to do, and, where that is not so practicable, a sufficient earthcloset.

(2) If the owner fails to carry out such requirement within three months after intimation thereof, the local authority themselves may execute the necessary work, and the expenses incurred by them in so doing may be recovered by them from such owner in a summary manner.

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

Additional byelaws as to houses in burghs.

42.—(1) It shall be the duty of the local authority of every burgh to make, with respect to houses used or intended to be used for occupation by the working classes, byelaws relating to the following matters:—

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

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

(*c*) The sub-division of houses;

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

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

(*f*) The provision of open spaces about houses.

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

(3) The provisions of sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897 (which relate to byelaws made under that Act), shall apply to byelaws made under this section.

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

Additional byelaws as to buildings in districts other than burghs.

43.—(1) It shall be the duty of the local authority of every district other than a burgh to make for the whole or any part of their district byelaws under section one hundred and eighty-one of the Public Health (Scotland) Act, 1897, and when the local authority is a district committee it shall not be necessary for them to obtain the approval of the county council thereto.

(2) In addition to the matters in respect to which byelaws may be made under that section, byelaws may be made thereunder for houses or buildings intended for human habitation, or houses the mode of occupancy whereof is altered in such a manner

as to increase the number of separate houses, in respect to the following matters :—

(*a*) The approval of plans by the local authority before building or rebuilding operations are begun :
(*b*) The inspection and certification before occupation :
(*c*) The approval by the local authority of the sites :
(*d*) The maximum number of houses to be erected on a given extent of ground :
(*e*) The number of storeys in a tenement containing houses, and the arrangements of such tenements in blocks or otherwise :
(*f*) The provision of open spaces about houses :
(*g*) The provision of suitable access :
(*h*) The lighting, ventilation and cubic space of rooms :
(*i*) The structure of floors :
(*j*) The provision of a bath and of a scullery, larder, coal house, adequate press accommodation, and facilities for washing and drying clothes :
(*k*) Protection against risk of fire, and the provision of means of escape in case of fire.

Provisions relating to houses of three rooms or less and byelaws as to occupancy.

44.—(1) From and after the commencement of this Act it shall not be lawful for any person, without the consent of the local authority, to erect any house intended for human habitation with less accommodation than three apartments, and a local authority shall not give such consent, save in exceptional circumstances, nor shall a local authority or Dean of Guild Court, save in such circumstances, approve of the plans for the erection of such a house :

Provided that the foregoing provision shall not apply to a house which is in course of erection at the passing of this Act, or for the erection of which the plans have been approved before the passing of this Act.

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

(*b*) The provisions of sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897 (which relate to byelaws made under that Act), shall apply to byelaws made under this section.

Accommodation for seasonal workers.

45.—(1) With a view to the provision of proper accommodation for seasonal workers, a local authority may, and if required

by the Board shall, make byelaws for the whole or any part of their district in respect to the following matters:—

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

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

(i) sleeping accommodation, and separation of the sexes;

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

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

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

(v) a suitable supply of water;

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

(*d*) Inspection of the premises:

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

(*f*) Such other matters relating to the accommodation of seasonal workers as the Board may from time to time prescribe.

(2) The provisions of sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897 (which relate to byelaws made under that Act), shall apply to byelaws made under this section: Provided that the Board, before they allow, modify, or disallow any byelaws made under this section, shall consult with the Board of Agriculture for Scotland, or with the Fishery Board for Scotland, as the case may be, in so far as agricultural or fishery interests respectively are affected by such byelaws.

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

(4) Without prejudice to the other provisions of this section, accommodation in accordance with the byelaws shall, in the case of potato-workers, harvesters, fruit-pickers, and other seasonal workers employed on farms or fruit farms, be provided by the farmer or fruit-grower: Provided that, if the provision of such accommodation involves the erection of additional buildings, the farmer or fruit-grower may require the landlord to erect such buildings on terms and conditions to be deter-

mined, failing agreement, by the Board of Agriculture for Scotland.

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

Cleansing of houses.

46. Section forty of the Public Health (Scotland) Act, 1897 (which relates to the cleansing of houses), shall be amended by the omission of the word "such," where it first occurs, and of the words "that the health of any person is affected or endangered thereby."

Revision of burgh boundaries. 56 & 57 Vict. c. 25.

47. In section eleven (Revision of boundaries) of the Burgh Police (Scotland) Act, 1892, for the words from "The sheriff or sheriffs," to "included therein," there shall be substituted the words "In revising the boundaries of a burgh the sheriff or sheriffs shall take into account the number of dwelling-houses, whether existing or about to be erected, within the area proposed to be included (with power to allow a reasonable margin for future extension), the density of the population, the persons for whom and the authority by whom the dwelling-houses have been, or are to be, erected, and all the circumstances of the case, and shall thereafter determine whether the area ought to form part of the burgh, and should be included therein."

Farmed-out houses.

48. It shall be lawful for the local authority of any burgh to apply to the Board for an order declaring that the provisions of Part II. of the Glasgow Corporation Order, 1918 (which relate to farmed-out houses), shall apply to the burgh, and the Board, if they are satisfied after such inquiry, if any, as they may think fit, that the circumstances and conditions of the burgh are such that it is desirable that those provisions should apply thereto, may make an order so applying such provisions, with such modifications and adaptations as may appear to the Board to be necessary or desirable, and as from a date to be prescribed in the order of the Board, the said provisions as so modified or adapted shall as respects that burgh have effect as if they were enacted in this Act.

Penalty for damage to houses.

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

Definition of local authority.

50. In this Part of this Act the expression "local authority" means the local authority for the purposes of the Public Health (Scotland) Act, 1897.

PART V.

GENERAL.

Repeals.

51. The Acts mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Extent.

52. This Act shall extend to Scotland only.

Citation.

53.—(1) This Act may be cited as the Housing, Town Planning, &c. (Scotland) Act, 1919.

(2) The Housing of the Working Classes Acts, 1890 to 1909, as those Acts apply to Scotland, and this Act, so far as it amends those Acts, may be cited together as the Housing (Scotland) Acts, 1890 to 1919, and are in this Act referred to as "the Housing Acts."

(3) Part II. of the Housing, Town Planning, &c. Act, 1909, as that Part of that Act applies to Scotland, and Part II. of this Act may be cited together as the Town Planning (Scotland) Acts, 1909 and 1919.

62 & 63 Vict. c. 44.

(4) The Small Dwellings Acquisition Act, 1899, as that Act applies to Scotland, and Part III. of this Act may be cited together as the Small Dwellings Acquisition (Scotland) Acts, 1899 and 1919.

SCHEDULES.

Section 8.

FIRST SCHEDULE.

RULES FOR DETERMINING THE AMOUNT OF REDUCTION OF COMPENSATION.

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

(*b*) The value of the whole of the said land shall next be ascertained on the basis of its value as a cleared site subject to the requirements of the scheme as to the provision to be made for the re-housing of persons of the working classes or the laying out of open spaces on the land or any part thereof.

(*c*) The difference between the amounts ascertained under paragraph (*a*) and paragraph (*b*) shall then be computed.

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

SECOND SCHEDULE.

Section 30.

AMENDMENTS AS TO PROCEDURE UNDER PART I. AND PART II. OF THE PRINCIPAL ACT AND MINOR AMENDMENTS OF THE HOUSING ACTS AS THOSE ACTS RESPECTIVELY APPLY TO SCOTLAND.

Enactment to be amended.	Amendments.
Housing of the Working Classes Act, 1890 (53 & 54 Vict. c. 70) :	
s. 6 (3)	For the words "the person entitled to the first "estate of freehold in any property comprised in "the scheme or with the concurrence of such "person" (as applied to Scotland by subsection (5) of section 96 of the said Act) there shall be substituted the words "any person having such "right or interest in any property comprised in "the scheme as may be sufficient to enable him "to carry out and effect the same."
s. 7	After the words "the local authority shall" there shall be inserted the word "forthwith."
s. 7 (*a*)	For the words "publish during three consecutive "weeks in the month of September or October "or November in some one and the same "newspaper" there shall be substituted the words "publish in a newspaper."
s. 7 (*b*)	The words "during the month next following "the month in which such advertisement is "published" shall be omitted, and after the word "occupier" there shall be inserted the words "(except tenants for a month or a period "less than a month)."
s. 8 (5)	For the word "copy" there shall be substituted the word "notice," and the words "except "tenants for a month or a less period than a "month" shall be omitted.
s. 12 (1)	For the words "When the confirming Act autho- "rising any improvement scheme of a local "authority under this Part of this Act has "been passed by Parliament" there shall be substituted the words "When an order has "been made confirming an improvement "scheme of a local authority under this Part "of this Act." At the end of the subsection there shall be inserted the words "provided that the local "authority shall not be required to acquire "any leasehold interest in any property com- "prised in a scheme which can be allowed to "expire without unduly delaying the execution "of the scheme."

Enactment to be amended.	Amendments.
Housing of the Working Classes Act, 1890 (53 & 54 Vict. c. 70) —*continued.*	
s. 12 (6)	For the words "the person entitled to the first "estate of freehold in any land comprised in "an improvement scheme" (as applied to Scotland by subsection (5) of section 96 of the said Act) there shall be substituted the words "any person having such right or interest in "any land comprised in an improvement "scheme as may be sufficient to enable him to "carry out and effect the same."
s. 14	The whole section shall be omitted.
s. 16 (1)	For the words "upon their giving security to the "satisfaction of that authority for costs, the "confirming authority shall" there shall be substituted the words "the confirming "authority may."
s. 81	The words "out of their own number" shall be omitted, after the words "provided that a com- "mittee so appointed shall" there shall be inserted the words "consist as to a majority of "its members of members of the appointing "local authority and shall" and
	For the words "to make any rate or to enter into any contract" there shall be substituted the words "or to make any rate."
Second Schedule, para. (1).	For the words "as soon as practicable after the "passing of the confirming Act" there shall be substituted the words "before making an "application for the appointment of an arbi- "trator as hereinafter mentioned."
	After the word "occupiers" there shall be inserted the words "except tenants for a month or a "period less than a month."
Para. (4)	For the words "has not been" there shall be substituted the words "is not."
Para. (6)	For the words from "and the local authority shall publish" to the end of the paragraph there shall be substituted the words "Before "applying to the arbitrator to determine the "compensation in respect of any particular "lands or interest therein, the local authority "shall send a notice by post of their intention "to the owners or reputed owners, lessees or "reputed lessees, so far as they can reasonably "be ascertained."
Para. (7)	The words from "shall ascertain" to "willing to pay and" shall be omitted, and for the words "he shall proceed" there shall be substituted the words "shall proceed."
Para. (8)	The words "by causing such notice to be "published or otherwise in such manner as he "thinks advisable" and the words "in dis- "puted cases as to the amount of compensa- "tion to be paid" shall be omitted.

Enactment to be amended.	Amendments.
Housing of the Working Classes Act, 1890 (53 & 54 Vict. c. 70) —*continued.*	
Second Schedule—*cont.*	
Para. (9)	The words "subject to the provisions concerning "an appeal hereinafter contained" shall be omitted.
Para. (10)	For the words from "and the local authority shall thereupon" to the end of the paragraph there shall be substituted the words "The legal "progress of the title-deeds in the case of a "person claiming a fee simple interest in any "lands included in any such award as aforesaid "shall commence twenty years previous to the "date of the claim, except there has been an "absolute conveyance on sale within twenty "years and more than ten years previous to that "date, in which case the legal progress of the "title-deeds shall commence with such con-"veyance. Provided that the local authority "shall not be prevented, if they think fit, "from requiring at their own expense any "further legal progress or evidence of the "title-deeds respecting any lands included in "any such award as aforesaid, in addition to "the legal progress hereinbefore mentioned."
Para. (12)	The words from "The local authority, or any person interested," to the end of the paragraph, shall be omitted.
Para. (14)	For the words "such statement and abstract as aforesaid" (as applied to Scotland by paragraph (33) (*a*) of the said schedule) there shall be substituted the words "a statement in "writing by any person claiming any right or "interest in the lands, and a legal progress "of the title-deeds on which the same is "founded."
Paras (22), (26), and (27)	These paragraphs shall be omitted.
Para. (29) (1) (*c*)	For the words "before the appointment of the arbitrator" there shall be substituted the words "not less than fourteen days before "the date of the arbitration in that particular "case."
Para. (30)	After the word "documents" there shall be inserted the words "other than any formal "offer made by the local authority."
Para. (32)	For the words "some one and the same," there shall be substituted the word "a."
Housing and Town Planning, &c. Act, 1909 (9 Edw. 7. c. 44) :—	
s. 17 (3)	For the word "order" where it last occurs there shall be substituted the word "notice."
s. 17 (4)	For the words "every occupying tenant" there shall be substituted the words "the occupier."

Enactment to be amended.	Amendments.
Housing, Town Planning, &c. Act, 1909 (9 Edw. 7. c. 44)—*cont.*	
s. 17 (5)	For the word "may" where it first occurs there shall be substituted the word "shall."
s. 18 (3)	At the end of the subsection the following words shall be inserted:—"and if and when the "necessary works are completed to their "satisfaction the local authority may determine the closing and demolition orders "relating to the dwelling-house."
s. 18 (4)	After the word "after" there shall be inserted the words "the notice of," and at the end of the subsection the following words shall be inserted:—"Or, where the operation of the "order has been postponed, for any period "within fourteen days after the expiration of "that period."

Section 38.

THIRD SCHEDULE.

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE PROVISIONS AS TO TOWN PLANNING.

Enactment to be amended.	Amendments.
Housing, Town Planning, &c. Act, 1909 (9 Edw. 7. c. 44):—	
s. 54 (1)	At the end of the subsection the following proviso shall be inserted:— "Provided that, where a piece of land already built upon, or a piece of land not likely to be used for building purposes, is so situate with respect to any land likely to be used for building purposes that the general object of the scheme will be better secured by its inclusion in any town-planning scheme made with respect to the last-mentioned land, the scheme may include such piece of land as aforesaid, and may provide for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect."
s. 54 (3)	The subsection shall be omitted.

Enactment to be amended.	Amendments.
Housing, Town Planning, &c. Act, 1909 (9 Edw. 7. c. 44)— *continued.*	
s. 56 (1)	For the words "applications for authority to "prepare or adopt a town-planning scheme "the preparation of the scheme" there shall be substituted the words "the preparation or "adoption of a town-planning scheme," and after the word "adopted" there shall be inserted the words "or the variation or "revocation of a scheme," and after the words "the provisions thereof" there shall be inserted the words "or the variation or revocation of the scheme."
s. 56 (2), para. (*a*)	For the words "at every stage of the proceedings "by means of conferences, and such other "means" there shall be substituted the words "by such means".
s. 58 (1)	After the words "town-planning scheme" there shall be inserted the words "or by the carrying "into effect of any provision of a town-"planning scheme."
s. 58 (2)	For the words "time at which the application for "authority to prepare the scheme was made" there shall be substituted the words "date of "the resolution of the local authority to "prepare or adopt the scheme, or after the "date when such resolution takes effect, as "the case may be," and for the words "the "application was made" there shall be substituted the words "such date or other time as aforesaid."
s. 59 (1)	At the end of the subsection the following words shall be inserted "or are contained in any "general Act or local Act or Order in force in "the area."
s. 59 (2)	The words "with a view to securing the amenity "of the area included in the scheme or any "part thereof" shall be omitted.
s. 65 (2)	After the word "thereunder" where it secondly occurs, there shall be inserted the words "including the cost of the preparation or "adoption of the scheme."
Fourth Schedule, para. 18.	The words "by means of conferences, &c." shall be omitted.
Fifth Schedule, para. 1	For the words "and for the purpose of an "application for authority to prepare or "adopt" there shall be substituted the words "the preparation or adoption of," and for the words "submission of plans and estimates" there shall be substituted the words "preparation and deposit of plans."

FOURTH SCHEDULE.

Section 51

REPEALS.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.	Section fourteen, subsection (2) of section fifty-seven, sections sixty and sixty-four.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	In section one hundred and eighty-one, the words "subject to the "approval of the county "council."
63 & 64 Vict. c. 59.	The Housing of the Working Classes Act, 1900.	Section five.
3 Edw. 7. c. 39.	The Housing of the Working Classes Act, 1903.	Subsection (1) of section five.
9 Edw. 7. c. 44.	The Housing, Town Planning, &c. Act, 1909.	Subsection (2) of section four, sections six and thirty-two. In subsection (1) of section fifty-three, the words "and in section "five of the Housing of the "Working Classes Act, 1900." Section seventy-two. In the First Schedule, the paragraph numbered (7), and in the paragraph numbered (14) the words "and for the reference to "a borough or urban district "there shall be substituted a "reference to a burgh."

CHAPTER 61.

An Act to amend the Law of Intestate Moveable Succession in Scotland. [19th August 1919.]

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

Mother's rights in the succession to an intestate.

1. Where any person dies intestate without leaving issue, and is predeceased by his father, and survived by his mother, she shall have the same rights of succession to his moveable estate as the father would have had, if he had survived.