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SCHEDULE 3

Sections 30-34, 36-38, 43.

CONDITIONS TO BE OBSERVED WITH RESPECT TO DWELLINGS PROVIDED OR IMPROVED WITH THE HELP OF IMPROVEMENT GRANTS OR STANDARD GRANTS

1 The dwelling shall not be used for purposes other than those of a private dwelling-house.

For the purposes of this paragraph, a dwelling 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.

2 AH reasonable steps shall be taken to secure the maintenance of the dwelling so as to be in all respects fit for human habitation.

3 The dwelling shall at all times at which it is not occupied—

- (a) by the applicant for the grant or a member of his family; or
- (b) where the applicant is a trustee within the meaning of the Trusts (Scotland) Act 1921, by a person who under the trust is interested in the dwelling or the proceeds of sale thereof, or by a member of the family of such a person ; or
- (c) 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 dwelling or in the proceeds of sale thereof, or by a member of the family of such a person ; or
- (d) by a member of the agricultural population in pursuance of a contract of service and otherwise than as a tenant;

be let or kept available for letting:

Provided that this paragraph shall not apply to a dwelling held upon trust for any charitable purpose within the meaning of the Income Tax Act 1952 so long as it is occupied or kept available for occupation for that purpose.

4 Subject to the provisions of subsections (4) and (5) of section 32 of this Act, the rent payable by a tenant of the dwelling shall not exceed—

- (a) in a case where a maximum rent with respect to the dwelling has been fixed under subsection (1) of the said section 32, the amount thereof;
- (b) in any other case, and subject to the provisions of section 32(3) of this Act, an amount equal to the aggregate of—
 - (i) the rent at which the dwelling was last let before the improvement works were begun, and
 - (ii) a sum calculated at a rate per annum not exceeding the appropriate percentage of the fraction of the approved expense of executing the improvement works or of the approved proportion of that expense (according as the works were for the improvement of a single dwelling or of two or more dwellings) that fell to be borne by the applicant for the grant; and
 - (iii) any sum recoverable in respect of the dwelling by way of repairs increase or by way of 1957 Act increase (other than any such sum included in the rent referred to in head (i) above),

and no fine, premium or other like sum shall be taken in addition to the rent.

In this paragraph—

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" appropriate percentage " means, in a case where the application for the grant was made before 3rd July 1962, eight per cent, and, in a case where the application was made on or after that date, twelve and one half per cent.;

" repairs increase " has the same meaning as in the Housing (Repairs and Rents) (Scotland) Act 1954 ; and

" 1957 Act increase " has the same meaning as in the Rent Act 1957.

5 The owner of the dwelling shall, on being required so to do by the local authority, certify that the conditions specified in paragraphs 1, 3 and 4 of this Schedule are being observed with respect to the dwelling, and any tenant of the dwelling 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 this condition.

6 In the event of a tenant assigning his interest in, or otherwise parting with the possession of, the dwelling, it shall not be lawful for any person in consideration thereof to make any payment other than rent or for the tenant to receive, directly or indirectly, any such payment.

7 Where the dwelling is occupied for the time being by a member of the agricultural population in pursuance of a contract of service, then if that contract is determined—

- (a) by less than four weeks' notice given by the employer, or
- (b) by dismissal of the employee without notice, or
- (c) by the death of either party,

the employer or his personal representative shall permit the employee (or, in the case of his death, any person residing with him at his death) to continue to occupy the dwelling free of charge from the determination of the contract until the expiration of a period of four weeks beginning with the date on which the notice is given or, if the contract is determined otherwise than by notice, with the date on which it is determined.

In this paragraph " occupied " means occupied otherwise than by a tenant, and " occupy " shall be construed accordingly.