

SCHEDULES

SCHEDULE 3

Section 15.

MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS

The Housing (Scotland) Act 1966

- 1 Section 195 (default powers of Secretary of State in relation to rents) shall cease to have effect.

The Housing (Financial Provisions) (Scotland) Act 1968

- 2 In section 58 (power of Secretary of State to reduce, suspend or discontinue housing subsidies), at the end of paragraph (aa) of subsection (3), as inserted by section 73 of the Housing (Financial Provisions) (Scotland) Act 1972, there shall be added the words " or under the Housing Rents and Subsidies (Scotland) Act 1975 ".

The Housing (Scotland) Act 1969

- 3 In section 62 (increase of rents of houses belonging to certain authorities without notice of removal)—

- (1) For existing subsections (1) and (2) there shall be substituted the following subsections—

“(1) Subject to subsections (2) and (3) of this section, where a house belonging to an authority to which this section applies is let for any period, it shall be an implied term of the tenancy that the rent payable to the authority under the tenancy may, without the tenancy being terminated, be increased with effect from any day of the tenancy by a written notice of increase given by the authority to the tenant not less than four weeks before that day.

- (2) Where an authority to which this section applies gives under subsection (1) of this section a notice of increase which is to be operative as from any day and the tenancy continues beyond that day, it shall be an implied term of the tenancy that the notice shall nevertheless not have effect if the tenancy is terminated by a notice of removal given by the tenant, and—

- (a) the notice of removal is given before the end of the period of two weeks following the date on which the notice of increase is given, or such longer period as may be allowed by the notice of increase; and
- (b) the date on which the tenancy is made to terminate is not later than 4 weeks after the date on which the notice of removal is given; and the tenant shall be entitled to give a notice of removal in conformity with paragraphs (a) and (b) above notwithstanding the provisions express or implied of the tenancy.”.

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- (2) In subsection (6), for the words " section 379(1) of the Local Government (Scotland) Act 1947 " there shall be substituted the words " section 235(1) of the Local Government (Scotland) Act 1973. ".

The Rent (Scotland) Act 1971

- 4 In section 5 (cases excluded from protected or statutory tenancies), after subsection (5) the following subsection shall be inserted:—

“(5A) A tenancy shall not be a protected tenancy at any time when the interest of the landlord under the tenancy belongs to a housing co-operative, as defined in section 5 of the Housing Rents and Subsidies (Scotland) Act 1975 (agreements for exercise by housing co-operatives of local authority housing functions) and the dwelling-house is comprised in an agreement to which that section applies or in a similar agreement between the co-operative and the Scottish Special Housing Association.”.

- 5 In section 48 (rent limit for controlled tenancies), after "this Part of this Act" there shall be inserted the words " or of section 10 of the Housing Rents and Subsidies (Scotland) Act 1975 ".

The Housing (Financial Provisions) (Scotland) Act 1972

- 6 In section 16 (rent allowances), after subsection (5) the following subsection shall be inserted:—

“(5A) A person is also a private tenant if he occupies a house let to him by a housing co-operative, as denned in section 5 of the Housing Rents and Subsidies (Scotland) Act 1975 (agreements for exercise by housing co-operatives of local authority housing functions) and his tenancy would be a protected tenancy but for section 5(5A) of the Rent (Scotland) Act 1971.”.

- 7 In section 78(3) (houses to which the housing revenue account relates), after the word " accommodation" there shall be inserted the words " (including houses subject to an agreement between a local authority and a housing co-operative under section 5 of the Housing Rents and Subsidies (Scotland) Act 1975) ".

- 8 In Schedule 2 (computation of rent rebates and allowances), after paragraph 17, as amended by section 12(5) of the Rent Act 1974 (computation of allowances where tenant is student in receipt of award or grant), there shall be added the following paragraph—

“Extension of paragraph 17(3) to (5) to rebates

17A The provisions of paragraph 17(3) to (5) above shall apply for the purpose of computing the amount of a rebate as they apply for the purpose of computing the amount of an allowance.”

The Land Compensation (Scotland) Act 1973

- 9 In section 27 (right to home loss payments where person displaced from dwelling)
 —

- (1) For paragraph (d) of subsection (1) there shall be substituted the following paragraph—

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- “(d) the carrying out of any improvement to the dwelling or of redevelopment on the land by a housing association which has previously acquired the land and at the date of the displacement is registered.”.
- (2) At the end of subsection (2) there shall be added (but not as part of paragraph (b)) the words " and in a case within subsection (1)(d) above, unless the displacement occurred on or after 31st July 1974 (on which date the Housing Act 1974 was passed). "
- (3) At the beginning of subsection (9) there shall be inserted the words " Subject to subsection (2) above, ".
- 10 In section 34 (disturbance payments for persons without compensatable interests)—
- (1) For paragraph (d) of subsection (1) there shall be substituted the following paragraph—
- “(d) the carrying out of any improvement to a house or building on the land or of redevelopment on the land by a housing association which has previously acquired the land and at the date of the displacement is registered.”.
- (2) At the end of subsection (2)(c) there shall be added the following paragraph—
- “(d) in a case within subsection (1)(d) above, unless the displacement occurred on or after 31st July 1974 (on which date the Housing Act 1974 was passed).”.
- (3) At the beginning of subsection (9) there shall be inserted the words " Subject to subsection (2)(d) above, ".
- 11 In section 80(1) (general interpretation) the following definitions shall be inserted in the appropriate places—
- “" housing association " has the meaning assigned to it by section 208(1) of the Housing (Scotland) Act 1966 ;
- " registered ", in relation to a housing association, means registered in the register of housing associations established under section 13 of the Housing Act 1974 ;”

The Housing Act 1974

- 12 In subsection (5)(a) of section 7 (borrowing powers of Housing Corporation), for the words " the day appointed for the coming into operation of this Part of this Act" there shall be substituted the words " 18th September 1974 (on which date the said section 9 was repealed) ".
- 13 In section 17 of the Housing Act 1974 (loans and grants limited to registered housing associations), at the end there shall be added the following subsection—
- “(5) Nothing in subsection (1)(b) above shall prevent a local authority from making loans under section 152(2)(a) of the Housing (Scotland) Act 1966 to an unregistered self-build society, as defined in section 12 above, for the purpose of enabling it to meet the whole or any part of any expenditure incurred or to be incurred by it in carrying out its objects.”.

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- 14 In section 119(3) of the Housing Act 1974 (option mortgages), for the word "section ", in the second place where it occurs, there shall be substituted the word " subsection ".
- 15 Sections 109 to 116 of the Housing Act 1974 and Schedule 10 thereto shall cease to have effect as respects Scotland.
- 16 After section 116 of the Housing Act 1974 there shall be added the following section—

“116A Provisions for Scotland in place of sections 110 to 116 and Schedule 10.

- (1) Schedule 10A to* this- Act shall have effect for the purpose of making provision for Scotland in relation to the matters dealt with in sections 110 to 112 and 114 to 116 of this Act and Schedule 10 thereto.
- (2) This section shall come into operation on 16th May 1975.”.
- 17 In section 131 of the Housing Act 1974 (short title, extent, etc.), in subsection (5), after "108" there shall be inserted " 110 to 116 ", and in subsection (6), for the words "Section 107 of this Act extends" there shall be substituted the words " Sections 107 and 116A of this Act extend ".
- 18 After Schedule 10 to the Housing Act 1974 there shall be inserted the following Schedule—

“SCHEDULE
10A

PROVISIONS FOR SCOTLAND IN PLACE OF
SECTIONS 110 TO 116 AND SCHEDULE 10

PART I

CONSENT TO DEMOLITION OF LISTED
BUILDINGS IN HOUSING ACTION AREAS, ETC.

Buildings subject to compulsory purchase orders for demolition subsequently listed

- 1 (1) In this paragraph, references to a compulsory purchase order are to a compulsory purchase order made, before or after the coming into operation of this paragraph, under the provisions of—
- (a) Part III of the Housing (Scotland) Act 1966, or
 - (b) Part I of the Housing (Scotland) Act 1969, or
 - (c) Part II of the Housing (Scotland) Act 1974,
- in so far (as respects such an order made under the said Act of 1969 or 1974) as the order relates to a building acquired for demolition under those provisions.
- (2) Where a building to which a compulsory purchase order applies is (at any time after the making of the order) included in a list of buildings of special architectural or historic interest under section 52 of the Town and Country Planning (Scotland) Act 1972 or under any corresponding enactment repealed by that Act, the local authority making the order or

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its successor in the exercise of its functions relating to the order may, subject to sub-paragraph (3) below, apply to the Secretary of State (and only to him) under section 53 of the said Act of 1972 for consent to the demolition of the building.

(3) No such application may be made by virtue of sub-paragraph (2) above after the expiry of the period of three months beginning with the date on which—

- (a) the building is included on the said list, or
- (b) this paragraph comes into operation,

whichever is the later.

(4) The following provisions of this paragraph shall have effect where—

- (a) an application for consent has been made under the said section 53, by virtue of sub-paragraph (2) above, and has been refused, or
- (b) the period of three months mentioned in sub-paragraph (3) above has expired without the authority having made such an application,

and in this paragraph "relevant date" means the date of the refusal or, as the case may be, of the expiry of the period of three months.

(5) If, at the relevant date—

- (a) the building has not vested in the authority, and
- (b) no notice to treat has been served by the authority under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845, in respect of any interest in the building,

the compulsory purchase order shall cease to have effect in relation to the building and, where applicable, the building shall cease to be comprised—

- (i) in the case of an order referred to in sub-paragraph (1)(a) above, in a clearance area ;
- (ii) in the case of an order referred to in sub-paragraph (1)(b) above, in a housing treatment area ;
- (iii) in the case of an order referred to in sub-paragraph (1)(c) above, in a housing action area.

(6) Where a compulsory purchase order ceases to have effect, by virtue of sub-paragraph (5) above, in relation to a house which does not meet the tolerable standard, the authority concerned shall, in respect of the house, forthwith—

- (a) serve a notice under section 24 of the Housing (Scotland) Act 1969 (power of local authority to secure repair of house in state of serious disrepair), or
- (b) make a closing order under Part II of the Housing (Scotland) Act 1966,

whichever is appropriate.

(7) Where sub-paragraph (5) above does not apply, the authority shall cease to be subject to the duty imposed by the enactment specified in head (a), (b) or (c) of sub-paragraph (1) above to demolish the building, and in relation to any interest in the building which at the relevant date has not

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vested in the authority the compulsory purchase order shall have effect as if—

- (a) in the case of a house, it had been made and confirmed under Part VII of the Housing (Scotland) Act 1966, and
 - (b) in any other case, it had been made and confirmed under Part VI of the Town and Country Planning (Scotland) Act 1972.
- (8) If the building, or any interest in the building, was vested in the authority at the relevant date, it shall be treated—
- (a) in the case of a house, as appropriated to the purposes of Part VII of the said Act of 1966, and
 - (b) in any other case, as appropriated to the purposes of Part VI of the said Act of 1972.
- (9) As respects a building falling within sub-paragraph (2) above, where no notice to treat has, at the date on which the building is included in the list referred to in that sub-paragraph, been served under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845, the authority shall not serve such a notice until after the relevant date.
- (10) In this paragraph and in paragraphs 2 and 3 below, unless the context otherwise requires—
- " housing treatment area " means an area defined under section 4(1) of the Housing (Scotland) Act 1969 ;
 - " housing action area " means an area defined under section 15 or 17 of the Housing (Scotland) Act 1974 ;
- and other expressions which are also used in the Housing (Scotland) Act 1966 have the same meanings as in that Act.

Buildings acquired by agreement for demolition subsequently listed

- 2 (1) Where any of the enactments specified in paragraph 1(1) above applies to a building purchased by a local authority by agreement, and at any time (before or after the coming into operation of this paragraph) the building is included in a list of buildings of special architectural or historic interest under section 52 of the Town and Country Planning (Scotland) Act 1972 or under any corresponding enactment repealed by that Act, the authority or its successor in the exercise of the powers conferred by the enactments specified in paragraph 1(1) above may, subject to sub-paragraph (2) below, apply to the Secretary of State (and only to him) under the said section 53 for consent to the demolition of the building.
- (2) No such application may be made by virtue of sub-paragraph (1) above after the expiry of the period of three months beginning with the date on which—
- (a) the building is included on the said list, or
 - (b) this paragraph comes into operation,
- whichever is the later.
- (3) Where—

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- (a) an application for consent has been made under the said section 53, by virtue of sub-paragraph (1) above, and has been refused, or
- (b) the period of three months mentioned in sub-paragraph (2) above has expired without the authority having made such an application,

the authority shall cease to be subject to the duty imposed by the enactment specified in head (a), (b) or (c) of paragraph 1(1) above to demolish the building, which shall be treated—

- (i) in the case of a house, as appropriated to the purposes of Part VII of the Housing (Scotland) Act 1966, and
- (ii) in any other case, as appropriated to the purposes of Part VI of the Town and Country Planning (Scotland) Act 1972.

Residual cases where buildings subject to clearance orders are subsequently listed

- 3
- (1) Where a building, to which a clearance order made under Part III of the Housing (Scotland) Act 1966 continues (by virtue of Schedule 5 to the Housing (Scotland) Act 1969) to apply, is, at any time after the confirmation of the order, included in a list of buildings of architectural or historic interest under section 52 of the Town and Country Planning (Scotland) Act 1972 or under any corresponding enactment repealed by that Act, the local authority making the order or its successor in the exercise of its functions relating to the order may, subject to sub-paragraph (2) below, apply to the Secretary of State (and only to him) under section 53 of the said Act of 1972 for consent to the demolition of the building.
 - (2) No such application may be made by virtue of sub-paragraph (1) above after the expiry of the period of three months beginning with the date on which—
 - (a) the building is included in the said list, or
 - (b) this paragraph comes into operation,whichever is the later.
 - (3) Where—
 - (a) an application for consent has been made under the said section 53, by virtue of sub-paragraph (1) above, and has been refused, or
 - (b) the period of three months mentioned in sub-paragraph (2) above has expired without the authority having made such an application,the building shall cease to be comprised in a clearance area and to be subject to the clearance order.
 - (4) Where a house, which does not meet the tolerable standard, ceases to be included in a clearance area by virtue of sub-paragraph (3) above, the authority concerned shall, in respect of the building, forthwith—
 - (a) serve a notice under section 24 of the Housing (Scotland) Act 1969 (power of local authority to secure repair of house in state of serious disrepair), or

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- (b) make a closing order under Part II of the Housing (Scotland) Act 1966,
whichever is appropriate.
- (5) Where a payment in respect of a house has been made by a local authority under section 49 of the said Act of 1966, in connection with a clearance order, and by virtue of this paragraph the house is excluded from the clearance area, then, if the person to whom the payment was made is entitled to an interest in the house he shall, subject to sub-paragraph (b) below, repay the payment on demand to the authority or to its successor as aforesaid.
- (6) No repayment shall be required by virtue of sub-paragraph (5) above in a case where the authority have made a closing order in respect of the house and—
 - (a) no appeal has, within the time allowed, been made against the making of the order, or
 - (b) such an appeal has been made and has failed.

PART II

REHABILITATION ORDERS

Application and effect of rehabilitation orders

- 4 (1) This Part of this Schedule applies to any house which—
 - (a) is included in a clearance area under Part III of the Housing (Scotland) Act 1966, or
 - (b) is included in a housing treatment area under Part I of the Housing (Scotland) Act 1969, where the resolution for the area provides for the demolition of the house,
being a house which—
 - (i) has been purchased by agreement or compulsorily at any time before 2nd December 1974 under section 38 of the said Act of 1966 or section 7 of the said Act of 1969 (provisions regarding acquisition of land in such areas), or
 - (ii) is subject to a compulsory purchase order which was made under the said section 38 or under the said section 7 (but not confirmed) before 2nd December 1974 and which, before 2nd March 1975, has been confirmed in accordance with Schedule 3 to the said Act of 1966 or (as the case may be) in accordance with Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as applied by the said section 7, or
 - (iii) has been included in the area by virtue of section 41 of the said Act of 1966 or section 9 of the said Act of 1969 (land already belonging to the local authority).
- (2) Where any house to which this Part of this Schedule applies in terms of sub-paragraph (1) above does not comply with the full standard as defined in paragraph 13 below and, in the opinion of the local authority,

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it is capable of being and ought to be improved to that standard, the authority may make and submit to the Secretary of State an order (in this Part of this Schedule referred to as a "rehabilitation order") in relation to the house.

- (3) In addition to applying to any house to which this Part of this Schedule applies in terms of sub-paragraph (1) above, a rehabilitation order may, if the local authority think fit, be made to apply to any other relevant land, as defined in paragraph 13 below.
- (4) On the date on which a rehabilitation order becomes operative, the local authority shall cease to be subject to any duty, to demolish or secure the demolition of buildings on any land included in the order, imposed by Part III of the said Act of 1966 or Part I of the said Act of 1969.
- (5) Where by virtue of sub-paragraph (4) above a local authority are freed from the duty to demolish or secure the demolition of a house which does not comply with the full standard, the authority shall take such steps as are necessary—
 - (a) to bring the house up to the full standard, or
 - (b) where it is not vested in the authority, to ensure that it is brought up to that standard.
- (6) A local authority may accept undertakings for the purpose of sub-paragraph (5)(b) above from the owner of a house, or any other person who has or will have an interest in a house, concerning works to be carried out to bring it up to the full standard and the time within which they are to be carried out.

Miscellaneous provisions relative to rehabilitation orders

- 5 Where the owner of a house to which this Part of this Schedule applies in terms of paragraph 4(1) above, and which does not comply with the full standard, requests the local authority to make a rehabilitation order in respect of the house, and the authority refuse to make the order, they shall give him in writing their reasons for so refusing.
- 6 Where a local authority have made a rehabilitation order they shall not, until after the date on which the order becomes operative or on which confirmation of the order is refused,
 - (a) serve notice to treat, under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845, in respect of any land included in a compulsory purchase order made and confirmed by virtue of section 38 of the said Act of 1966 or section 7 of the said Act of 1969 which includes notice land as defined in paragraph 13 below ; or
 - (b) demolish, without the consent of the Secretary of State, any building on notice land.
- 7 (1) Where—
 - (a) land included in a compulsory purchase order, made and confirmed by virtue of the said section 38 or the said section 7, is comprised in a rehabilitation order, and

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- (b) the rehabilitation order becomes operative in respect of that land, and
- (c) no interest in the land has vested in the local authority before the date on which the rehabilitation order becomes operative, and
- (d) neither the local authority nor a previous local authority entitled to serve a notice to treat in respect of any interest in the land under section 17 of the said Act of 1845 have done so before that date,

the compulsory purchase order shall cease to have effect in relation to that land on that date, and if the land is included in a clearance area or housing treatment area, it shall cease to be so included.

- (2) On and after the date on which a rehabilitation order becomes operative, in a case where sub-paragraph (1) above does not apply in relation to an area of land comprised in that order, any compulsory purchase order relating to that land and confirmed by virtue of the said section 38 or the said section 7 shall have effect in relation to any interest in that land which at the said date was not vested in the authority—
 - (a) in so far as it relates to a house, as if it had been made and confirmed under Part VII of the said Act of 1966, and
 - (b) in so far as it relates to land other than a house, as if it had been made and confirmed under Part VI of the Town and Country Planning (Scotland) Act 1972.
- (3) Where a rehabilitation order becomes operative in respect of an area of land and any interest in that land is vested in the local authority at the date when the order becomes operative—
 - (a) any such interest in a house shall be treated as appropriated to the purposes of Part VII of the said Act of 1966, and
 - (b) any such interest in land other than a house shall be treated as appropriated to the purposes of Part VI of the said Act of 1972.

8 A rehabilitation order may be made and confirmed notwithstanding that the effect of the order in excluding any land from a clearance area or from a housing treatment area is to sever that area into two or more parts ; and in any such case the provisions applicable to the area in Part III of the said Act of 1966 or in Part I of the said Act of 1969, relating to the effect of a compulsory purchase order when confirmed and to the proceedings to be taken after confirmation of such an order, shall apply as if those parts formed one clearance area or housing treatment area, as the case may be.

Procedure for making and confirming rehabilitation orders

- 9 A rehabilitation order shall be made in the prescribed form and shall describe, by reference to a map—
 - (a) the houses to which, in terms of paragraph 4(1) above, it applies, and
 - (b) the other land to which, in terms of paragraph 4(3) above, it applies.

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- 10 (1) Before submitting a rehabilitation order to the Secretary of State for confirmation, the local authority, except in so far as the Secretary of State directs otherwise—
- (a) shall publish in one or more newspapers circulating within their district a notice in the prescribed form stating that such an order has been made and describing the land to which it applies, and naming a place where a copy of the order and its accompanying map may be seen at all reasonable hours, and
 - (b) shall serve on any such person as is specified in sub-paragraph (2) below a notice in the prescribed form stating—
 - (i) the effect of the rehabilitation order,
 - (ii) that it is about to be submitted to the Secretary of State for confirmation, and
 - (iii) the time within which and the manner in which objections to the order can be made.
- (2) The persons mentioned in sub-paragraph (1)(2) above are—
- (a) every person on whom notice was served of the making by virtue of section 38 of the said Act of 1966 or section 7 of the said Act of 1969 of any compulsory purchase order which, at the date of its confirmation, included any land subsequently comprised in the rehabilitation order;
 - (b) every successor in title of such a person ;
 - (c) every owner, lessee and occupier of the relevant land other than a tenant for a month or a period less than a month;
 - (d) creditors in heritable securities over relevant land, so far as it is reasonably practicable to ascertain such persons ; and
 - (e) every person on whom notice would have been required to be served under head (c) or (d) above whose interest has been acquired under the said section 38 since the clearance area was declared to be such an area or (as the case may be) under the said section 7 since the housing treatment area was declared to be such an area.
- (3) A notice under this paragraph shall be accompanied by a statement of the grounds on which the local authority are seeking confirmation of the rehabilitation order.
- (4) A notice under this paragraph shall be served in accordance with section 5(3) of and paragraph 19 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.
- 11 (1) If no objection is duly made by any of the persons on whom notices are to be served under paragraph 10 above, or if all objections so made are withdrawn, the Secretary of State may confirm the order with or without modifications.
- (2) If any objection duly made is not withdrawn, the Secretary of State, before confirming the order, shall cause a public local inquiry to be held or afford to any person by whom an objection has been duly made and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

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- (3) After considering any objection not withdrawn and the report of the person who held the inquiry or of the person appointed under sub-paragraph (2) above, the Secretary of State may confirm the order with or without modifications.
 - (4) The Secretary of State may require any person who has made an objection to state the grounds of the objection in writing, and may disregard the objection if he is satisfied that it relates exclusively to matters which can be dealt with by the tribunal by whom any compensation is to be assessed.
 - (5) The Secretary of State's power to modify a rehabilitation order includes power, subject to sub-paragraph (6) below, to extend it to any notice land.
 - (6) The Secretary of State shall not extend the application of a rehabilitation order to any land unless he has served on the following persons, namely—
 - (a) the local authority who made the rehabilitation order,
 - (b) every owner, lessee and occupier of that land, except a tenant for a month or a period less than a month, and
 - (c) so far as it is reasonably practicable to ascertain such persons, on the creditor in every heritable security over any such land,
 a notice stating the effect of his proposals, and has afforded them an opportunity to make their views known.
- 12 Paragraphs 6, 15 and 16 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (notification, challenge of validity and date of operation of orders) shall apply in relation to rehabilitation orders as if—
- (a) any reference to a compulsory purchase order were a reference to a rehabilitation order and any reference to compulsory purchase were a reference to rehabilitation under this Part of this Act;
 - (b) any reference to the acquiring authority were a reference to the local authority ;
 - (c) the reference in the said paragraph 6 to paragraph 3 of that Schedule were a reference to paragraph 10 of this Schedule ;
 - (d) the reference in the said paragraph 15 to any such enactment as is mentioned in section 1(1) of that Act were a reference to this Part of this Schedule ;
 - (e) the references in the said paragraph 15 to any requirement of that Act and to any requirement of that Schedule thereof were references to any requirement of this Part of this Schedule and of any provision of that Act (or that Schedule, as the case may be) applicable to the rehabilitation order ;
 - (f) the references in the said paragraphs 15 and 16 to a certificate under Part III of that Schedule were deleted.

Interpretation of this Part of this Schedule

- 13 (1) In this Part of this Schedule, unless the context otherwise requires—

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" clearance area " means a clearance area under Part III of the Housing (Scotland) Act 1966 ;

" full standard ", in relation to a house, means the standard of a house which—

- (a) meets the tolerable standard ;
- (b) is in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the house ; and
- (c) is provided with all of the standard amenities ;

" house " has the same meaning as in the Housing (Scotland) Act 1966 ;

" housing treatment area " means a housing treatment area under Part I of the Housing (Scotland) Act 1969 ;

" local authority " has the meaning assigned to it by section 1 of the Housing (Scotland) Act 1966 ;

" notice land " means land in relation to which a notice is to be served under paragraph 10 above ;

" relevant land " means—

- (a) land in the clearance area or housing treatment area (as the case may be), including land which has been included in that area by virtue of section 41 of the said Act of 1966 or section 9 of the said Act of 1969 (land already belonging to the local authority) ; or
- (b) land surrounded by or adjoining that area, which the local authority or a previous local authority entitled to purchase the land under section 37 of the said Act of 1966 or under section 6 of the said Act of 1969 have determined to purchase (whether or not it has been so purchased);

" standard amenities " and " tolerable standard " have the same meanings as in the Housing (Scotland) Act 1974.

- (2) The references to the Housing (Scotland) Act 1966 in section 197 of that Act (power to prescribe forms, etc.) shall include references to this Part of this Schedule.

PART III

APPLICATION OF ENACTMENTS RELATING TO COMPENSATION ON COMPULSORY PURCHASE, ETC., TO CASES UNDER PART I OR PART II OF THIS SCHEDULE

Compensation

- 14 (1) it is hereby declared that where, under Part I or II of this Schedule, a compulsory purchase order is to be treated as made under Part VII of the Housing (Scotland) Act 1966 or Part VI of the Town and Country Planning (Scotland) Act 1972, compensation for the compulsory acquisition of the land comprised in the compulsory purchase order is to be assessed in accordance with the provisions applying to a compulsory acquisition under the said Part VII (or, as the case may be, the said Part VI).

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- (2) Where, under Part I or II of this Schedule, land or any interest in land within any area is to be treated as appropriated by a local authority to the purposes of the said Part VII, compensation for its compulsory acquisition shall (where it increases the amount) be assessed or re-assessed in accordance with the provisions applying to a compulsory acquisition under the said Part VII.
- (3) Where, under paragraph 2 of Part I of this Schedule, or under Part II thereof, any interest in land acquired by a local authority by agreement (after the declaration of a clearance area, housing treatment area or housing action area which relates to that land) is to be treated as appropriated for the purposes of the said Part VII—
 - (a) compensation shall (where sub-paragraph (2) above would have increased the amount) be assessed and paid as if the acquisition were a compulsory acquisition, under Part III of the Housing (Scotland) Act 1966, Part I of the Housing (Scotland) Act 1969 or Part II of the Housing (Scotland) Act 1974 (as the case may be), to which the said sub-paragraph (2) applied ; but
 - (b) there shall be deducted from the amount of compensation so payable any amount previously paid in respect of the acquisition of that interest by the authority.
- (4) Where sub-paragraph (2) or (3) above applies, the local authority shall serve on the person entitled to the compensation a notice in the prescribed form giving particulars of the amount of compensation payable in accordance with the provisions applying to a compulsory acquisition under the said Part VII, and if the person served does not, within twenty-one days from service of the notice, accept the particulars, or if he disputes the amount stated, the question of disputed compensation shall be referred to the Lands Tribunal for Scotland.
- (5) The notice shall be served not later than six months after—
 - (a) the relevant date, as denned in paragraph 1(4) of this Schedule, or
 - (b) the date on which the rehabilitation order becomes operative for the purposes of Part II of this Schedule,(as the case may be), and paragraph 19 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (service of notices) shall apply to the notice.
- (6) Sub-paragraph (2) above shall be left out of account in considering whether, under sections 117 and 118 of the Lands Clauses Consolidation (Scotland) Act 1845, compensation has been properly paid for the land ; and accordingly sub-paragraph (2) above shall not prevent an acquiring authority from remaining in undisputed possession of the land.
- (7) Where sub-paragraph (2) above makes an increase in compensation to be assessed in accordance with sections 56 to 60 and 63 of the said Act of 1845 (absent and untraced owners)—
 - (a) a notarial instrument executed under section 76 of that Act before the latest date for service of a notice under sub-paragraph (4) above shall not be invalid because the increase in compensation has not been paid, and

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- (b) it shall be the duty of the local authority, not later than six months after the said date, to proceed under the said sections and pay the proper additional amount into the bank.
- (8) Any sum payable by virtue of this paragraph shall carry interest at the rate prescribed under section 40 of the Land Compensation (Scotland) Act 1963 from the time of entry by the local authority on the land, or from vesting of the land or interest, whichever is the earlier, until payment.
- (9) In this paragraph, references to an increase in compensation shall be read as if any payments under—
- (a) section 49 of the Housing (Scotland) Act 1966, section 11 of the Housing (Scotland) Act 1969 or section 30 of the Housing (Scotland) Act 1974 (payments in respect of well-maintained houses and payments to owner-occupiers),
 - (b) section 160 of the said Act of 1966 or section 38 of the Land Compensation (Scotland) Act 1963 (allowances to persons displaced),
 - (c) sections 18 to 20 of the said Act of 1969 (payments to owner-occupiers and others in respect of unfit houses purchased or demolished), and
 - (d) section 34 of the Land Compensation (Scotland) Act 1973 (disturbance payments for persons without compensatable interests),
- were, to the extent that they were made to the person in question, compensation in respect of the compulsory purchase.
- (10) In this paragraph, "prescribed" means prescribed under section 197 of the Housing (Scotland) Act 1966, and the references to that Act in that section shall include references to this paragraph.

*Extension of time limits for exercising powers
under certain compulsory purchase orders*

15 In section 116 of the Lands Clauses Consolidation (Scotland) Act 1845 (time limits for exercising powers under compulsory purchase orders), there shall be added at the end (in substitution for the words originally added by section 116 of this Act) the following paragraph—

“For the purposes of this section no account shall be taken of any period during which an authority are, by virtue of Schedule 10A to the Housing Act 1974 (which relates among other things to buildings in clearance or housing treatment or housing action areas), prevented from serving notice to treat under section 17 of this Act.”.

19 In Schedule 14 to the Housing Act 1974, in paragraph 2(b) (transitional provision concerning loans by the Housing Corporation), for " (c) " there shall be substituted " (e) ".