

2003 No. 338

HOUSING

**The Housing Grants (Form of Notice of Payment) (Scotland)
Regulations 2003**

Made 26th June 2003

Laid before the Scottish Parliament 27th June 2003

Coming into force 1st October 2003

The Scottish Ministers, in exercise of the powers conferred by section 330 of the Housing (Scotland) Act 1987(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Housing Grants (Form of Notice of Payment) (Scotland) Regulations 2003 and shall come into force on 1st October 2003.

(2) Form 5 as set out in the list of forms in the Schedule to the Housing (Forms) (Scotland) Regulations 1980(b) is hereby revoked.

Form of Notice of Payment

2. The form of the notice contained in the Schedule to these Regulations is hereby prescribed as the form of notice to be used for the purposes of sections 246(7), 248(5) and 249(6) of the Housing (Scotland) Act 1987.

MARGARET CURRAN
A member of the Scottish Executive

St Andrew's House,
Edinburgh
26th June 2003

(a) 1987 c.26. See section 338 of the Housing (Scotland) 1987 Act for the definition of "prescribed". The functions of the Secretary of State were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(b) S.I. 1980/1647, to which there are amendments not relevant to these Regulations.

SCHEDULE

NOTICE OF PAYMENT OF [IMPROVEMENT GRANT] [REPAIRS GRANT]
[GRANT FOR MEANS OF ESCAPE FROM FIRE FOR A HOUSE IN MULTIPLE
OCCUPATION]

UNDER SECTION [246(7)] [248(5)] [249(6)] OF THE HOUSING
(SCOTLAND) ACT 1987

PART I

1. This Notice confirms that [name and designation of local authority] has paid [an improvement grant] [a repairs grant] [a grant for means of escape from fire for houses in multiple occupation] of [£] to [name and address of grant recipient] in respect of works carried out on the house described in Part II of this Notice in accordance with the provisions of the Housing (Scotland) Act 1987, as amended (“the Act”).
2. In accordance with section 246(6) of the Act, the following conditions must be observed with respect to the said house for the period of 5 years from [date]:–
 - (a) the house shall not be used for purposes other than those of a private dwelling-house, but a house shall not be deemed to be used for the purposes other than those of a private dwelling-house by reason only that part thereof is used as a shop or office, or for business, trade or professional purposes;
 - (b) the house shall not be occupied by the owner or a member of the owner’s family except as that person’s only or main residence within the meaning of Part VII of the Taxation of Chargeable Gains Act 1992;
 - (c) all such steps as are practicable shall be taken to secure the maintenance of the house in a good state of repair.
3. In accordance with section 246(5) and Schedule 19 of the Act in the event of the breach of any of these conditions:–
 - (a) the local authority shall demand repayment by the owner for the time being of the house of the full amount of the grant, plus interest. Compound interest at a reasonable rate determined by the local authority will be calculated from the date of payment of the grant, or, where the grant was paid in instalments, from the date of payment of the final instalment, to the date of repayment to the local authority;
 - (b) the local authority may apply to the sheriff court within which jurisdiction the house is situated for an interdict to prevent the continuing breach of the conditions;
 - (c) if the local authority considers that the breach of conditions can be remedied, it may, with the consent of Scottish Ministers, suspend the conditions for a reasonable period to allow the breach to be remedied. If the breach is remedied within that period, the local authority will not demand repayment of the grant;
 - (d) if the local authority is satisfied that the breach of conditions was not the fault of the owner for the time being of the house, they may, with the consent of Scottish Ministers, decide not to demand repayment of the grant in respect of that breach;
 - (e) once the full amount of grant and interest has been repaid to the local authority, the conditions shall no longer apply to the house.

PART II

(See notes for completion)

All and Whole [] being the [subjects] [part of the subjects] registered in the Land Register of Scotland under Title Number [].

[or]

All and Whole [] lying in the County of [] being the [subjects] [part of the subjects]
more particularly described in and [disponed] by [] recorded in the Division of the General
Register of Sasines applicable to the County of [] on [].

Signed..... Date.....

Notes for completion of the Notice

Insert full postal address of the property ensuring the house is described in a way that is sufficient to enable the Keeper to identify it by reference to the Ordnance Map. Where the title to the house has been registered in the Land Register the description should refer to the title number of the house or of the larger subjects of which the house forms part. Otherwise it should normally refer to and identify a deed recorded in a specified Division of the Register of Sasines.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form of the notice that a local authority is required to register in the Land Register or the General Register of Sasines in respect of payment of an improvement or repairs grant, or a grant for fire escapes for a house in multiple occupation.

The Regulations revoke the existing form of notice set out as Form 5 in the list of forms in the Schedule to the Housing (Forms) (Scotland) Regulations 1980.

The Schedule to the Regulations sets out the form of the notice. The notice specifies the conditions which must be observed, the period for which these conditions must be observed and the results of a breach of these conditions.

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