

SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

MINOR AMENDMENTS

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

- 1 In section 138 (mode of provision of housing accommodation)—
- (a) in subsection (3) after the word " accommodation" there shall be inserted the word " (a) ", and at the end there shall be added " (b) includes and shall be deemed always to have included the provision of a hostel. ";
 - (b) after subsection (3) there shall be added the following subsection—
 - “(4) In this section ' hostel' means—
 - (a) in relation to a building provided or converted before 3rd July 1962, a building in which is provided, for persons generally or for any class or classes of persons, residential accommodation (otherwise than in separate and self-contained dwellings) and board;
 - (b) in relation to a building provided or converted on or after 3rd July 1962, a building in which is provided, for persons generally or for any class or classes of persons, residential accommodation (otherwise than in houses) and either board or common facilities for the preparation of food adequate to the needs of those persons or both.”.
- 2 In section 145 (powers of dealing with land acquired or appropriated for purposes of Part VII)—
- (a) in subsection (1)(d) after the word " houses " wherever it occurs there shall be inserted the words " or any part share thereof ";
 - (b) in subsection (6) after the word " house" there shall be inserted the words " or any part share thereof ".

The Housing Subsidies Act 1967 (c. 29)

- 3 In section 27(1) (qualifying lenders), after paragraph (f) there shall be inserted the following paragraph—
- “(g) the Scottish Special Housing Association.”.

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The Housing (Financial Provisions) (Scotland) Act 1968 (c. 31)

4 In section 25(1) (advances to Scottish Special Housing Association for provision or improvement of housing accommodation), after paragraph (e) there shall be inserted the following paragraphs—

- “(f) enabling or assisting the Association to make loans, on such terms as the Secretary of State may determine, to persons intending to purchase housing accommodation or a part share of such accommodation provided or improved by the Association;
- (g) enabling or assisting the Association to provide or convert buildings for use as hostels, or as parts of hostels, as defined in section 138(4) of the principal Act.”.

5 In section 49 (power to make advances to increase housing accommodation), at the end there shall be added the following subsection—

- “(5) In this section any reference to a house or houses includes a reference to any part share thereof.”.

The Housing (Scotland) Act 1969 (c. 34)

6 In section 24 (power of local authority to secure repair of house in state of serious disrepair)—

- (a) in subsection (1)(a) after the word " works " there shall be inserted the words " necessary to rectify such defects as are ";
- (b) in subsection (1)(b) for the words " those works " there shall be substituted the words " the rectification of those defects ";
- (c) in subsection (2)(a) after the word " works " there shall be inserted the words " necessary to rectify the defects ";
- (d) at the end there shall be added the following subsection—

“(6) Any reference in this Part of this Act to a house shall be construed as including a reference to a building which comprises or includes—

- (a) a house or houses ; or
- (b) a house or houses and other premises.”.

7 In section 25 (recovery by local authority of expenses under section 24), after subsection (1) there shall be added the following subsection—

- “(1A) A local authority may apportion any such expenses among the persons having control of the houses and other premises comprised in the building.”.

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

8 In section 15 (rent rebates)—

- (a) in subsections (1) and (4) after the words " to which " there shall be inserted the words " or to a part share of which ";
- (b) in subsection (1) after the words " and which " there shall be inserted the words " or a part share of which ";
- (c) in subsection (3) after the word " house " wherever it occurs there shall be inserted " or any part share thereof ".

9 In section 16(3) (rent allowances to private tenants)—

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- (a) after the word " person " where it first occurs there shall be inserted " (a) ";
- (b) at the end there shall be added the words

“or (b) who is a tenant of a house which has or had on the appropriate day a rateable value not exceeding £600 and who would be such a protected tenant or statutory tenant if the house of which he is a tenant has or had on the appropriate day a rateable value not exceeding £200.

In this subsection " appropriate day " means—

- (i) in relation to any house which on 1st April 1978 comprised or formed part of land and heritages for which a rateable value was shown on the valuation roll then in force, means that date, and

- (ii) in relation to any other house, means the date on which such a value is or was first shown on the valuation roll; "

and in paragraph (b) of this subsection any reference to a protected tenant or statutory tenant shall include a reference to such a lessee as is mentioned in paragraph (a) of this subsection.”

- 10 In section 16(4), (5) and (5A) for the words " under a tenancy which would be a protected tenancy", " and his tenancy would be a protected tenancy" and " to which Part VII of the Act of 1971 would apply" wherever they occur there shall be substituted the words " where he would be a private tenant ".

- 11 In section 78 (interpretation)—

- (a) in subsection (1), in the definitions of " development corporation house " " Scottish Special Housing Association house " and " standard rent " after the word " house " wherever it occurs and

- (b) in subsection (3) after the word " houses" wherever it occurs, there shall be inserted the words " or any part share thereof ".

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

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

- (a) in subsection (1)—

- (i) after paragraph (d) there shall be inserted the following paragraph—

“(e) a requirement to remove from the building containing the dwelling in pursuance of section 13 of the Building (Scotland) Act 1959 (dangerous buildings) or any other enactment which requires the demolition of the building on account of its condition,”;

- (ii) at the end of the subsection there shall be added the following paragraph—

“(v) where paragraph (e) above applies, the authority requiring the removal.”;

- (b) in subsection (3A)—

- (i) after the words "consequence of" there shall be inserted the word " (a) ";

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- (ii) after the word " dwelling " where it second occurs there shall be inserted the words " or ; (b) a requirement to remove as mentioned in subsection (1)(e) above ";
 - (iii) at the end of the subsection there shall be added the following words " or removal as the case may be. ";
 - (c) at the end of subsection (9) there shall be added the following words " except that, where the displacement is in consequence of the circumstances referred to in subsection (1)(e) above, it applies if the date of displacement is on or after the coming into force of paragraph 12 of Schedule 2 to the Housing (Financial Provisions) (Scotland) Act 1978. "
- 13 In section 34 (disturbance payments for persons without compensatable interests)—
- (a) in subsection (1)—
 - (i) after paragraph (d) there shall be inserted the following paragraph—
 - “(e) a requirement to remove from a building on the land in pursuance of section 13 of the Building (Scotland) Act 1959 (dangerous buildings) or any other enactment which requires the demolition of the building on account of its condition,”;
 - (ii) at the end of the subsection there shall be added the following paragraph—
 - “(v) where paragraph (e) above applies, the authority requiring the removal.”;
 - (b) in subsection (3)—
 - (i) for the words " or undertaking as is mentioned in paragraph (b)" there shall be substituted the words " undertaking or requirement to remove as is mentioned in paragraph (b) or (e) ";
 - (ii) for the words " or the undertaking was accepted " there shall be substituted " the undertaking was accepted or he was required to remove. ";
 - (c) in subsection (3A)—
 - (i) after the words " consequence of" there shall be inserted the word " (a) ";
 - (ii) after the word " building " there shall be inserted the words " or; (a) a requirement to remove as mentioned in subsection (1)(e) above ";
 - (iii) at the end of the subsection there shall be added the following words " or removal as the case may be. ";
 - (d) at the end of subsection (9) there shall be added the following words " except that, where the displacement is in consequence of the circumstances referred to in subsection (1)(e) above, it applies if the date of displacement is on or after the coming into force of paragraph 13 of Schedule 2 to the Housing (Financial Provisions) (Scotland) Acts 1978. "
- 14 In section 36 (duty to re-house residential occupiers)—
- (a) in subsection (1) after paragraph (c) there shall be inserted the following paragraph—
 - “(d) a requirement to remove the building containing the residential accommodation in pursuance of section 13 of the Building (Scotland) Act 1959 (dangerous buildings),

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or any other enactment which requires the demolition of the building on account of its condition,”;

- (b) in subsection (6)—
- (i) for the words " or undertaking as is mentioned in paragraph (b)" there shall be substituted " undertaking or requirement as is mentioned in paragraph (b) or (d) ";
 - (ii) for the words " or the undertaking was accepted " there shall be substituted " the undertaking was accepted or he was required to remove. ".

The Housing Act 1974 (c. 44)

- 15 At the end of paragraph 4 of Schedule 10A (rehabilitation orders), there shall be added the following sub-paragraph—

“(7) Any reference in sub-paragraph (2), (5) or (6) above to a house being improved or brought up to the full standard shall be construed as including a reference to a house, after integration with any other house to which this Part of this Schedule applies and which does not comply with the full standard, being improved or brought up to the full standard.”.

The Housing (Scotland) Act 1974 (c. 45)

- 16 In section 1 (power of local authorities to make improvement grants)—
- (a) in subsection (3) after the word " enlargement" there shall be inserted the words " and in relation to a house for a disabled occupant, includes the doing of works required for making it suitable for his accommodation, welfare or employment, ";
- (b) at the end there shall be added the following subsection—

“(4) In this section—

" disabled occupant " means a disabled person for whose benefit it is proposed to carry out works in respect of which an improvement grant is sought;

" disabled person " means a person who is substantially handicapped by illness, injury or congenital deformity ;

" house for a disabled occupant " means a house which—

- (a) is a disabled occupant's only or main residence when an application for an improvement grant in respect of it is made ; or
- (b) is likely in the opinion of the local authority to become a disabled occupant's only or main residence not later than the expiry of a reasonable period after the completion of the works in respect of which an improvement grant is sought.”.

- 17 In section 3 (conditions for approval of applications for improvement grant other than applications relating exclusively to the provision of standard amenities), for subsections (2) and (3) there shall be substituted the following subsections—

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

(a) unless, subject to subsection (4) below, they are satisfied that—

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- (i) the house or houses to which the application for an improvement grant relates will provide satisfactory housing accommodation for such period and conform with such requirements with respect to construction and physical condition and the provision of services and amenities as may be specified for the time being for the purposes of this section by the Secretary of State, and
 - (ii) in a case where the house or houses to which the said application relates is or are comprised in a building containing more than one house, the works to be carried out on the house or houses will not prevent the improvement of any other house in that building;
 - (b) if the application is in respect of the improvement or conversion of a house provided after 15th June 1964, but the Secretary of State may give directions, either generally or with respect to any particular case, as to the waiving of this provision ;
 - (c) if, subject to subsection (5) below, the house to which the application relates or any part thereof is to be occupied by the owner thereof after the completion of the works and—
 - (i) had on the date of the application a rateable value in excess of the prescribed limit, or
 - (ii) if the said house or part thereof is to be provided by the conversion of premises consisting of or including two or more houses, the aggregate of the rateable values of those houses on the said date was in excess of the prescribed limit.
- (3) In subsection (2)(c) above—
- " prescribed limit " means such limit of rateable value as the Secretary of State with the consent of the Treasury may prescribe; and different limits may be so prescribed in relation to houses to be improved and houses to be provided by the conversion of a house or houses and in relation to houses in different areas ;
- " rateable value " means the rateable value entered in the valuation roll and in force on the date of the application.
- (4) The local authority may, with the approval of the Secretary of State, disregard any requirement specified by him under subsection (2)(a)(i) above in any case where, in the opinion of the local authority, conformity with that requirement would not be practicable at a reasonable expense.
- (5) Subsection (2)(c) above shall not apply—
- (a) in relation to an application for an improvement grant for the conversion of a building which does not at the date of the application consist of or include a house ; or
 - (b) to a house which is to be occupied by a disabled person (as defined in section (1)(4) of this Act) in so far as the application is in respect of works which his disability renders necessary if the house is to be suitable for his accommodation, welfare or employment.”.

In section 5 (amount of improvement grant)—

- (a) after subsection (1) there shall be inserted the following subsection—

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- “(1A) A different percentage may be prescribed in pursuance of subsection (1) above for a particular case or class of case.”;
- (b) in subsection (5), for the words from " which by virtue " to the end of the subsection there shall be substituted the words " payable in relation to that improvement grant shall, when added to the unrepaid amount, if any, of that previous grant or assistance, not exceed 50 per cent, or such other percentage as may be prescribed in pursuance of subsection (1) or (1A) above, of the maximum approved expense so prescribed. " .
- 19 In section 7 (duty of local authorities to make improvement grants where an application relates exclusively to the provision of standard amenities), after subsection (1) there shall be inserted the following subsection—
- “(1A) A local authority shall not make an improvement grant under this section in respect of a house comprised in a building containing more than one house, unless they are satisfied that the works to be carried out on the house will not prevent the improvement of any other house in that building.”.
- 20 In section 9(9) (registration of conditions to be observed with respect to houses in respect of which an improvement grant has been made)—
- (a) after the words " they shall " there shall be inserted the words
- “(i) where the applicant for the grant was not a tenant-at-will”;
- (b) after the word " specifying " there shall be inserted the words
- “(ii) where that applicant was a tenant-at-will, keep a written record of”;
- (c) after the word " recording " there shall be inserted the words " in the Register of Sasines " .
- 21 In section 11 (application of Part I to houses in a housing action area), in subsection (6)—
- (a) for the words " owners of houses situated in housing action areas " there shall be substituted the words " an owner of a house situated in a housing action area ";
- (b) at the end there shall be added the following proviso—
- “Provided that an improvement grant shall not be made in pursuance of this subsection in respect of a house which is comprised in a building containing more than one house, if the local authority are of the opinion that the improvement works to be carried out on that house would prevent any other house in that building from being brought up to the standard specified as aforesaid.”.
- 22 In section 15 (declaration of housing action areas for demolition)—
- (a) in subsection (2) after the word "but" there shall be inserted the word " (a) " and at the end there shall be added the words " (b) there may be excluded from demolition any part of a building which is used for commercial purposes. ";
- (b) in subsection (3) after the word "section" there shall be inserted the words " and sections 16 and 17 of this Act " .
- 23 In section 16(4) (declaration of housing action areas for improvement)—
- (a) after the word "which" there shall be inserted the word " (a) ";

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- (b) after the words " amenities or " there shall be inserted the word " (b) ";
 - (c) at the end there shall be added the words " or (c) is not in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the house. ".
- 24 In section 17 (declaration of housing action areas for demolition and improvement)
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- (a) in subsection (4) after the word " authority" there shall be inserted the word " (a) " and at the end there shall be added the words " and (b) may exclude from demolition any part of such a building which is used for commercial purposes. ";
 - (b) in subsection (5)—
 - (i) after the word " which " there shall be inserted the word " (a) ";
 - (ii) after the words " amenities or" there shall be inserted the word " (b) ";
 - (iii) at the end there shall be added the words " or (c) is not in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the house. ".
- 25 In section 30 (payments in respect of well-maintained houses)—
- (a) in subsection (1) for the words from " Secretary of State" where they first occur to "authority of" there shall be substituted the words " local authority are satisfied that it has been well maintained, they shall make ";
 - (b) after subsection (2) there shall be added the following subsections—
 - “(3) The local authority shall, along with the notice which they serve on any person under paragraph 3(b) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 in respect of the compulsory purchase of a house under this Part of this Act, enclose a notice stating, subject to the calculation to be made under the said section 21, whether or not they intend to make a payment under this section in respect of the house.
 - (4) Any person aggrieved by a notice under subsection (3) above which states that the local authority do not intend to make a payment under this section in respect of a house may, within 21 days of service on him of that notice, refer the matter to the Secretary of State ; and the Secretary of State may, if he thinks it appropriate to do so (after, if he considers it necessary, causing the house to be inspected by one of his officers), direct the local authority to make such a payment.”.
- 26 In section 44(1) (power of local authority to arrange for the execution of works of improvement by agreement with the owner)—
- (a) after the word " improvement" there shall be inserted the words " or of repair ";
 - (b) for the words " Parts I and II of this Act apply " there shall be substituted the words " Part I or Part II of this Act or Part II of the Housing (Scotland) Act 1969 applies ".
- 27 After section 44 there shall be inserted the following section—

“44A Conditions may be attached to sale of below-standard local authority houses.

Where a house on land acquired or appropriated by a local authority for the purposes of Part VII of the Housing (Scotland) Act 1966 lacks one or more of the standard amenities or does not meet the tolerable standard, the local authority may make the sale by them of that house conditional on the purchaser providing the house with the standard amenities which it lacks or bringing the house up to the tolerable standard.”.

- 28 In section 49(3) (interpretation)—
- (a) in the definition of " owner " after the words " 2(3)(a) of this Act" there shall be inserted the words " and a tenant-at-will ";
 - (b) in the definition of " prescribed ", in paragraph (a) for the words "sections 5(1) and (3), 7(4) and 11(9)" there shall be substituted the words " section 7(4) and in sections 5(1) and 10A(4) so far as relating to a percentage " and in paragraph (b) for the words " 3(2)(c)(i)" there shall be substituted the words " 3(3) ".
- 29 In paragraph 7 of Schedule 2 (consequences of breach of conditions under section 9)
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- (a) after the words " authority shall" there shall be inserted the words " (a) where the applicant for the grant was not a tenant-at-will, ";
 - (b) after the word " stating " there shall be inserted the words
 - “(b) where that applicant was a tenant-at-will, keep a written record of the fact”;
 - (c) after the word " recording " there shall be inserted the words " in the Register of Sasines " .