



Housing and Town Development (Scotland) Act 1957

1957 CHAPTER 38

An Act to make new provision with respect to contributions out of the Exchequer and by local authorities in respect of housing accommodation provided or improved in Scotland; to enable Scottish local authorities to provide housing accommodation and other development in relief of the needs of districts other than their own; to make additional provision as respects Scotland for the making of payments in respect of unfit houses which have been well maintained, to provide as respects Scotland for the making and keeping by local authorities of registers of maximum rents of dwellings in respect of which improvement grants have been made, and for the simplifying of the procedure for the completion of the compulsory acquisition of land under certain enactments relating to housing; to amend certain provisions of the Housing (Scotland) Act, 1950; to extend section nineteen of the Town and Country Planning (Scotland) Act, 1945 ; and for purposes connected with the matters aforesaid. [17th July, 1957]

BE IT ENACTED by the Queen'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

EXCHEQUER AND LOCAL AUTHORITY CONTRIBUTIONS

Exchequer contributions to local authorities and development corporations

1 Approved houses for the purpose of Exchequer contributions under Part I

(1) The provisions of this and the three next following sections shall have effect for the purpose of the payment of Exchequer contributions in respect of each new house completed after the commencement of this Act—

- (a) by a local authority in the exercise of their power to provide housing accommodation, or by a development corporation otherwise than in pursuance of authorised arrangements, and in respect of which the proposals after mentioned, accompanied by such information as is required by the Secretary of State as to the estimated cost of erection of the house, were or are received by the Secretary of State on or after the first day of August, nineteen hundred and fifty-six, or
- (b) by a housing association in pursuance of authorised arrangements made on or after the said first day of August,

by way of housing accommodation provided in accordance with proposals approved by the Secretary of State for the purposes of this Part of this Act :

Provided that if the Secretary of State is satisfied that the substantial effect of any authorised arrangements made as mentioned in paragraph (b) of this subsection had been agreed upon between the parties before the said first day of August those arrangements shall be deemed for the purposes of this subsection to have been made before that day.

(2) References in this Part of this Act to an approved house are references to a new house which is provided in accordance with the foregoing subsection.

(3) Any Exchequer contribution payable under this Part of this Act or under section eighty-seven of the principal Act as read with this Part of this Act—

- (a) in respect of an approved house such as is mentioned in paragraph (a) of subsection (1) of this section shall be paid to the local authority or, as the case may be, to the development corporation ;
- (b) in respect of an approved house such as is mentioned in paragraph (b) of that subsection shall be paid to the local authority, who shall pay to the housing association by way of annual grant an amount not less than the Exchequer contribution.

(4) No contribution shall be payable under subsection (1), (2), (3), (4) or (5) of section eighty-four of the principal Act in respect of any house which is, or, if the Secretary of State had approved or were to approve the relevant proposals, would be, an approved house.

2 Exchequer contributions in respect of approved houses

(1) Subject to the provisions of this Act, the Secretary of State shall undertake to pay, and pay, in respect of each completed approved house, an annual Exchequer contribution for a period of sixty years.

Status: This is the original version (as it was originally enacted).

- (2) An annual Exchequer contribution payable under this section shall be—
- (a) in respect of each house provided by a local authority other than a house such as is mentioned in paragraphs (b) to (e) of this subsection, twenty-four pounds;
 - (b) in respect of each house provided by a local authority in accordance with arrangements made with the approval of the Secretary of State as being desirable by reason of special circumstances for the provision of housing accommodation in any area for persons coming to that area in order to meet the urgent needs of industry, and so coming wholly, or, in the case of a local authority who are a county council, wholly or partly, from outside the district of the authority, thirty pounds;
 - (c) in respect of each house provided by a local authority by way of housing accommodation for the agricultural population (being a house in respect of which the Secretary of State is of opinion that a contribution under this paragraph should be paid), thirty-six pounds;
 - (d) in respect of each house provided by a local authority in pursuance of any overspill agreement within the meaning of Part II of this Act, forty-two pounds;
 - (e) in respect of each house provided by a local authority, being an exporting authority within the meaning of Part II of this Act, in the district of another local authority (being a house in respect of which the Secretary of State is of opinion that a contribution under this paragraph should be paid), forty-two pounds; or
 - (f) in respect of each house provided by a development corporation otherwise than in pursuance of authorised arrangements, forty-two pounds.
- (3) Without prejudice to the provisions of subsection (2) of section one hundred and twenty-eight of the principal Act (which subsection relates to the time and manner in which contributions under certain enactments shall be payable and to the conditions under which such contributions are payable) and section one hundred and twenty-nine of that Act (which relates, among other things, to the failure of a local authority to discharge any' duty, or exercise any power, under certain enactments) the payment of any Exchequer contribution under paragraph (b), (d) or (e) of the last foregoing subsection shall be subject to such conditions as may be specified by the Secretary of State when undertaking to pay the contribution and the Secretary of State may reduce the amount of any such contribution, or suspend or discontinue payment of any such contribution, if there is in his opinion any failure to comply with any condition so specified in relation thereto.
- (4) Where the Secretary of State undertakes to pay an annual Exchequer contribution under any one of paragraphs (a) to (f) of subsection (2) of this section in respect of a house no contribution shall be paid in respect of the same house under any other of those paragraphs.
- (5) For the purposes of subsections (1) and (2) of section eighty-seven of the principal Act (which relates to Exchequer contributions in respect of housing accommodation provided by housing associations under authorised arrangements) the Secretary of State may direct that any approved house provided by a housing association in pursuance of authorised arrangements shall be treated as if it were a house of the class mentioned in such one of paragraphs (a), (b) or (c) of subsection (2) of this section as the Secretary of State may determine to be appropriate.
- (6) In this section the expression " county " does not include any county of a city.

3 Additional Exchequer contributions in respect of approved houses in certain blocks of flats

- (1) In respect of any approved house which is a flat contained in a block of flats the major part of which, as determined by the Secretary of State, is of six or more storeys (inclusive of any storey constructed for use for purposes other than those of a dwelling), the Secretary of State may undertake to pay, and pay, for a period of sixty years (in addition to any other annual Exchequer contribution) an annual Exchequer contribution in accordance with the next following subsection.
- (2) An annual Exchequer contribution payable under this section in respect of any approved house shall be of such amount as may be determined to be necessary to secure the amortisation over the period referred to in the foregoing subsection of an amount equal to two-thirds of the sum, if any, by which the cost of the house exceeds such sum as may be determined to represent the average cost of approved houses in Scotland (exclusive of such houses as may be determined) at the time of the approval by the Secretary of State of the proposals in accordance with which the house is provided.

In this subsection " cost " means " estimated cost ", " determined " means " determined by the Secretary of State ", and references to the cost of a house include the cost of the preparation of the site of the house (or, in the case of a flat so much Of the cost of the preparation of the site as is fairly referable to that flat) but not the cost of the site or of demolishing any building occupying the site, or part of the site, before possession of it is obtained for the purposes of preparation.

4 Additional Exchequer contributions in respect of approved houses in remote areas

- (1) Where the Secretary of State is satisfied that the total expenditure likely to be incurred in any year by a local authority, not being the town council of a large burgh, in providing housing accommodation by way of approved houses could not, in consequence of the remoteness of the sites of any of the houses from centres of supply of building labour and material, be met without charging unreasonably high rents for that accommodation and other accommodation provided by the authority, or imposing an unreasonably heavy rate burden, the Secretary of State may, with the sanction of the Treasury, undertake to pay, and pay, for a period of sixty years (in addition to any other annual Exchequer contribution) an annual Exchequer contribution of such amount, and in respect of such of the houses so provided, as he considers just and reasonable.
- (2) Where housing accommodation is provided by a housing association by way of approved houses in pursuance of authorised arrangements with a local authority to whom contributions under the foregoing subsection are payable, the Secretary of State may, if he thinks fit having regard to the remoteness ,oi the sites of any of the houses from centres of supply of building labour and material, pay in respect of any of the houses in any year (in addition to any other contribution payable by him) a contribution not exceeding such contribution as would be payable by him under this section in that year if the house had been provided by the local authority.

Contributions by local authorities

5 Termination of local authorities' obligation to make certain contributions, and power to carry other sums to credit of housing revenue accounts

- (1) With effect from the sixteenth day of May, nineteen hundred and fifty-seven, a local authority shall be relieved of the obligation to make the contributions specified in paragraphs 1 to 11a of the Eighth Schedule to the principal Act, but may in any financial year commencing on or after the said day carry to the credit of their housing revenue account, in addition to the amounts required by section one hundred and thirty-eight of the principal Act, such further amounts, if any, as they may think fit.
- (2) Where by virtue of any authorised arrangements a local authority are under an obligation to pay to a housing association by way of annual grant in respect of any house a sum in addition to the sum which it is their duty under subsection (1) of section eighty-seven of the principal Act so to pay, and that additional sum is defined in the arrangements by reference to the sum which the authority would have had to contribute in respect of the house under section ninety-seven, ninety-eight or ninety-nine of the principal Act if the house had been provided by the authority, then, without prejudice to any variation of those arrangements by the parties thereto, the additional sum shall, notwithstanding anything in this section, continue to be payable, but shall be defined as equal to the sum which the authority would have had to contribute as aforesaid if the house had been provided by them and this section (and so much of section twenty-eight of this Act as repeals the said sections ninety-seven, ninety-eight and ninety-nine) had not passed.

General

6 Modifications of principal Act relating to Part I

The principal Act shall have effect subject to the modifications specified in Part I of the First Schedule to this Act, being modifications relating to the provisions of this Part of this Act.

7 Interpretation of Part I

In this Part of this Act the expression " authorised arrangements " means arrangements made with the approval of the Secretary of State by a local authority with a housing association under section eighty of the principal Act.

PART II

PROVISION OF HOUSING ACCOMMODATION AND ASSOCIATED TOWN DEVELOPMENT IN RELIEF OF OVER-POPULATED DISTRICTS

Exporting and Receiving Authorities

8 Exporting and receiving authorities

- (1) References in this Part of this Act to an exporting authority are references to a local authority for a district which has a need for housing accommodation which cannot in the opinion of the Secretary of State be properly and fully met by the provision of housing accommodation within the district, who propose to make or have made arrangements for the meeting of that need, in whole or in part, by the provision of housing accommodation outside their district—
 - (a) by another local authority, or a development corporation, in pursuance of an overspill agreement, or
 - (b) by the Scottish Special Housing Association acting with the approval of the Secretary of State, or
 - (c) by themselves in exercise of powers conferred by the principal Act.
- (2) References in this Part of, and in the Second Schedule to, this Act to a receiving authority are (subject to subsection (7) of the next following section) references to the local authority for any district in which housing accommodation is, or may be, provided in pursuance of arrangements such as are mentioned in the foregoing subsection.

Overspill Agreements

9 Overspill agreements

- (1) Subject to the provisions of this section an exporting authority and a receiving authority may enter into an agreement (in this Part of this Act referred to as an overspill agreement) for the provision by the receiving authority, in the district of the receiving authority, of housing accommodation to meet, wholly or in part, the needs of the district of the exporting authority.
- (2) Proposals prepared and submitted to the Secretary of State by a local authority in discharge of their duty under section sixty of the principal Act may, in the case of a local authority who are an exporting authority, include proposals for the provision of housing accommodation in pursuance of an overspill agreement.
- (3) Subject to the provisions of this section an overspill agreement may be made on such terms as may be agreed between the parties thereto.
- (4) An overspill agreement shall provide for—
 - (a) the provision by the receiving authority of housing accommodation and the letting of that accommodation to persons approved for that purpose by the exporting and receiving authorities (hereinafter referred to as " approved persons "); and
 - (b) the payment by the exporting authority to the receiving authority in respect of each new house provided in pursuance of the agreement of a contribution

at a rate of not less than fourteen pounds a year from the date of completion of the house, so however that—

- (i) the contribution shall not be payable for any period during which the house is neither let to, nor available for letting to, an approved person, unless in substitution therefor there is let by the receiving authority to an approved person another house which otherwise would not be let in pursuance of the agreement, and
 - (ii) the obligation to make the contribution may be limited so as to cease and determine when the contribution has been paid for a period or periods amounting in the aggregate to such period as may be specified in the agreement, not being less than ten years.
- (5) An overspill agreement may provide for the making by the exporting authority to the receiving authority of such additional payments (whether by way of capital or recurrent grant or of loan or otherwise) as may be specified in the agreement, being payments towards the expenses of providing the housing accommodation to which the agreement relates or industrial or other accommodation or other facilities provided or to be provided in connection therewith, including the expenses of executing any works necessary for, or incidental to, such provision.
- (6) No overspill agreement shall have effect unless it has been approved by the Secretary of State.
- (7) An exporting authority may enter into an overspill agreement with a development corporation in like manner as with a receiving authority, and accordingly in this section references to a receiving authority shall be construed as including a development corporation.
- (8) The power of making orders conferred by section one hundred and twenty-seven of the principal Act shall include power to make an order providing, in relation to overspill agreements approved by the Secretary of State after the date of coming into operation of the order, for reducing the minimum amount of the annual contribution required by subsection (4) of this section to be made by exporting authorities.

Town Development Schemes

10 Town development schemes

- (1) Where a receiving authority consider it expedient that, in conjunction with any housing accommodation proposed to be provided in their district in pursuance of arrangements such as are mentioned in subsection (1) of section eight of this Act there should be carried out other development, including the provision of all or any of the following, namely, accommodation for the carrying on of industrial or other activities, appropriate public services, facilities for public worship, recreation and amenity and other requirements, they may, subject to the following provisions of this Part of this Act, make and submit to the Secretary of State a scheme containing proposals for that development related to the proposals as to the housing accommodation; and on approval by the Secretary of State any such scheme (hereinafter referred to as a "town development scheme") shall have effect for the purposes of this Part of this Act, and any duty which it proposes should be undertaken by the receiving or any public authority shall be a duty of that authority.

- (2) A town development scheme may be extended or amended by a subsequent town development scheme.
- (3) The provisions of the Second Schedule to this Act shall have effect with respect to the contents, submission and approval of, and other matters connected with, town development schemes.
- (4) The Secretary of State shall not approve any town development scheme unless he is satisfied—
 - (a) that the execution of the scheme will be consistent with the proper planning of the area to which the scheme relates, and
 - (b) that if he were to withhold approval the development proposed therein, either by itself or along with commitments already undertaken or proposed to be undertaken by way of overspill agreements or other town development schemes by the receiving authority, would impose an unreasonable burden on the financial resources of the receiving authority.
- (5) Subject to the foregoing provisions of this section and to the provisions of the Second Schedule to this Act, the Secretary of State may approve a town development scheme without modification or with such modifications as appear to him to be expedient, so however that no such modification shall impose on any authority any duty other than a duty relating to any water supply or sewerage service required for the purposes of the scheme.
- (6) References in this Part of, and in the Second Schedule to, this Act to a receiving or exporting authority in relation to a town development scheme are references respectively to the receiving authority who promoted, or are promoting, the scheme and to the exporting authority to meet the needs of whose district the housing accommodation to which the scheme relates is, or is to be, provided.

11 Provision of water supplies and sewerage services under town development schemes

- (1) A town development scheme may provide that any water supply or sewerage service required for the purposes of the scheme shall be provided by such public authority as may be specified in the scheme, notwithstanding that that authority are not the authority who, apart from such provision of the scheme would be responsible for providing the supply or service (in this section referred to as the " authority generally responsible "): and in that case all functions conferred by any enactment or agreement on the authority generally responsible, so far as relating to the supply or service required, shall, subject to the next following section, be exercisable by the authority so specified, and not by the authority generally responsible.
- (2) Any public authority upon whom a function is conferred by a town development scheme by virtue of the last foregoing subsection shall have the like power to construct, operate and maintain, whether within or outside their district, any works necessary for the exercise of the function, as if the works were within and for the benefit of their district.

12 Allocation of expenditure on water supplies and sewerage services under town development schemes

- (1) Where a public authority, not being the receiving authority, incur expenditure in providing any water supply or sewerage service for the purposes of a town development scheme, they shall be entitled to recover an amount equal to that expenditure from the receiving authority only.
- (2) Notwithstanding any enactment or agreement to a contrary effect any expenditure incurred as aforesaid and the rateable valuation of the area for which the supply or service is provided shall be disregarded for the purposes of any allocation (whether under any enactment or under any agreement) between authorities of the expenses of providing a supply or service of the kind in question.
- (3) The Secretary of State may by order made by statutory instrument provide that this section shall cease to have effect in relation to any town development scheme or in relation to any supply or service provided for the purposes of any such scheme:

Provided that no order shall be made under this subsection without the consent of the receiving authority and the public authority providing the supply or service in question.
- (4) In this section " rateable valuation " in relation to any area has the same meaning as in the Valuation and Rating (Scotland) Act, 1956.

13 Powers as to acquisition and use of land for the purposes of town development schemes

- (1) Where as respects any land which is—
 - (a) comprised in an area to which a town development scheme relates, and
 - (b) not designated by an operative development plan within the meaning of the Town and Country Planning (Scotland) Act, 1947, as subject to compulsory acquisition,the Secretary of State is satisfied that it is necessary for the proper execution of the town development scheme that the land should be acquired by the receiving authority under this section he may authorise that authority to acquire the land compulsorily in accordance with this section.
- (2) The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply to the compulsory acquisition of land under this section and, accordingly, shall have effect as if this section had been in force immediately before the commencement of that Act.
- (3) This section shall, for the purposes of any enactment containing a reference to section thirty-five of the Town and Country Planning (Scotland) Act, 1947 (which relates to the acquisition of land for planning purposes) be treated as forming part of the said section thirty-five, and shall in particular be so treated for the purposes of subsection (1) of section thirty-six, subsection (1) of section thirty-seven, and subsection (2) of section forty-two of that Act, and of subsection (1) of section eighteen of the Town and Country Planning (Scotland) Act, 1945 ; and the reference to subsection (2) of the said section thirty-five in paragraph 8 of the Fifth Schedule to the said Act of 1945 shall include a reference to this section.

- (4) This section shall be construed as one with Part III of the Town and Country Planning (Scotland) Act, 1947 (which contains provisions as to the acquisition and disposal of land for planning purposes).
- (5) In relation to the acquisition of land under this section, and to any land acquired under this section or appropriated for any purpose for which land can be acquired under this section.—
 - (a) section nineteen of the Town and Country Planning (Scotland) Act, 1945, and the enactments referred to in this section shall have effect as if any reference therein to a local planning authority included a reference to a receiving authority who are not a local planning authority; and
 - (b) subsection (2) of section eighteen of the said Act of 1945 shall have effect as if for any reference therein to the best use of land or to the proper planning of the area of the authority there were substituted a reference to the proper execution of the town development scheme.

14 Exchequer contributions towards receiving authorities' expenses under town development schemes

- (1) Where in the execution of a town development scheme the receiving authority incur expenditure in connection with—
 - (a) the acquisition of land situated within the area to which the scheme relates or the clearing or preliminary development of land so situated, or
 - (b) the provision, for the purposes of the scheme, of any water supply or sewerage service,
 the Secretary of State shall pay to the receiving authority contributions towards that expenditure of such amounts, and payable in such cases, over such periods and subject to such conditions, as may be determined by or under regulations made by him, in accordance with section one hundred and seventy-three of the principal Act, with the consent of the Treasury.
- (2) Regulations made under this section may provide for the payment of contributions thereunder, in such cases and subject to such conditions as may be determined by or under the regulations, in respect of land appropriated by a receiving authority for any purpose approved by the Secretary of State in accordance with the regulations, as if the land had been acquired for that purpose at a cost of such amount, and defrayed in such manner, as may be so determined.
- (3) Without prejudice to the generality of the foregoing provisions of this section, any regulations made under this section may provide—
 - (a) for the inclusion in the expenditure incurred by a receiving authority towards which contributions under this section are to be paid, of any sums, or any part of any sums, paid by the authority in connection with any restriction imposed by or under any enactment on the development or use of any land to which the scheme relates (whether by way of compensation or by way of contribution towards damage or expense incurred in consequence of the restriction);
 - (b) for the calculation of contributions payable under this section by reference to the amount of the annual costs incurred or treated as being incurred by receiving authorities in respect of the borrowing of money to defray expenditure towards which the contributions are made, or by reference to the excess of such annual costs over such receipts of those authorities, or over the annual value of such receipts, as may be prescribed by the regulations.

- (4) In this section the expression " preliminary development in relation to land situated within the area to which a town development scheme relates, means the carrying out of any work determined in accordance with the regulations to be work preparatory to the development of the land for the purposes of executing the scheme, or work comprised in the initial stages of such development.

General

15 Extension of powers for the purposes of overspill agreements or town development schemes

- (1) For the purposes of executing any overspill agreement or town development scheme the receiving authority or development corporation may—
- (a) take, whether within or outside their district, any action which, apart from this section, they could lawfully take if it were for the benefit of their district, notwithstanding that it is not, or may not be, for the benefit thereof and
 - (b) appoint the exporting authority to act as their agents for the purpose of taking any action relating to the functions of the receiving authority or corporation under the agreement or scheme ;

and any exporting authority appointed as mentioned in paragraph (b) of this section may themselves incur expenditure in taking any action to which the appointment relates and shall defray any expenditure so incurred as if it were incurred within and for the benefit of their own district.

- (2) In relation to any town development scheme the foregoing subsection shall apply to any public authority (other than the receiving authority) who have a duty under the scheme to provide any water supply or sewerage service as it applies to the receiving authority, with, in the case of a local water authority, the substitution, for the reference to the district of the receiving authority, of a reference to the area within the limits of supply of the local water authority.
- (3) In this section any reference to action relating to the functions of the receiving authority or development corporation under any overspill agreement or town development scheme includes a reference to any survey or preparatory work required to determine the practicability of any proposed overspill agreement or town development scheme.

16 Provision for failure to carry out duties under overspill agreements or town development schemes

- (1) If a complaint is made to the Secretary of State that any local or public authority have failed to do properly anything which they are required to do by any overspill agreement or town development scheme, or if the Secretary of State is of opinion that an investigation should be made as to whether any such authority have so failed, he may cause a local inquiry to be held into the matter.
- (2) If after such a local inquiry the Secretary of State is satisfied that there has been such a failure on the part of the authority in question, he may, after giving the authority an opportunity of making representations, make an order declaring the authority to be in default and requiring them for the purpose of remedying the default to take within such period as may be specified in the order such action as may be so specified.

- (3) If the authority declared to be in default by such an order fail to comply with any requirement thereof within the period specified therein for compliance with that requirement the Secretary of State may—
- (a) himself take, or cause to be taken, the action to which the requirement relates, or
 - (b) make an application to the Court of Session under section ninety-one of the Court of Session Act, 1868, which section shall have effect as if the said action were a statutory duty of the authority.
- (4) Section one hundred and seventy of the principal Act (which relates to the exercise by the Secretary of State of powers of a local authority) shall apply—
- (a) to any expenses incurred by the Secretary of State in taking action, or causing action to be taken, by virtue of this section, as it applies to the expenses referred to in that section, and
 - (b) to any property, debts or liabilities acquired or incurred by him by virtue of this section, as it applies to the property, debts and liabilities referred to in that section.
- (5) Section three hundred and fifty-five of the Local Government (Scotland) Act, 1947 (which contains provisions as to local inquiries) shall apply to any local inquiry held under this section.
- (6) This section shall be without prejudice to any other enactment, or any provision in any agreement, under which the performance of the duties mentioned in this section may be enforced.

17 Modification of s. 18 (5) of 8 and 9 Geo. 6. c. 33 in relation to exporting authorities

Where by subsection (5) of section eighteen of the Town and Country Planning (Scotland) Act, 1945, a local planning authority, being an exporting authority, in exercising their power under that section of disposing of land comprised in an area defined by a development plan as an area of comprehensive development, and the Secretary of State in exercising his power of consenting to such disposal, are obliged to secure to any person so far as may be practicable an opportunity to obtain accommodation on that land, the obligation shall be treated as discharged if there is afforded to the person an opportunity to obtain, on land in, or in the vicinity of and readily accessible to, an area where housing accommodation has been, or is being, provided in pursuance of any such arrangements as are mentioned in subsection (1) of section eight of this Act (being arrangements to which the said local planning authority are a party), accommodation suitable to his reasonable requirements on terms such as are mentioned in the said subsection (5).

18 Saving for necessity to obtain planning permission for development for the purposes of Part II

Nothing in this Part of this Act or in any authorisation given thereunder shall be taken to authorise the carrying out of any development not authorised by planning permission granted or deemed to have been granted under the Town and Country Planning (Scotland) Act, 1947.

19 Interpretation of Part II

(1) In this Part of, and in the Second Schedule to, this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, 1 that is to say—

" functions " includes powers and duties ;

" public authority " means any authority who are either—

(a) a local water authority within the meaning of subsection (4) of section five of the Water (Scotland) Act, 1946, or

(b) an authority charged by virtue of any enactment other than this Act with the duty of providing any sewerage service, or a combination of such authorities;

" overspill agreement " has the meaning assigned to it by subsection (1) of section nine of this Act;

" sewerage service " includes sewage disposal service ;

" town development scheme " has the meaning assigned to it by subsection (1) of section ten of this Act.

(2) In this Part of, and in the Second Schedule to, this Act—

(a) any reference to water supply includes a reference to the supply of water in bulk under section nineteen of the Water (Scotland) Act, 1946 ;

(b) any reference to the district of a development corporation shall be construed as a reference to the area designated under the New Towns Act, 1946, as the site of the new town for the purposes of which the development corporation has been established.

PART III

MISCELLANEOUS MODIFICATIONS OF PRINCIPAL ACT

20 Payments in respect of unfit but well-maintained houses

(1) For the purposes of any payment made after the commencement of this Act under section forty of the principal Act (which provides for payments to be made in respect of unfit houses which have been well maintained) the Secretary of State may from time to time, by order made by statutory instrument, vary the multipliers specified with respect to rateable value in paragraph (b) of subsection (2) of the said section forty:

Provided that an order under this subsection shall be of no effect until it is approved by a resolution of each House of Parliament.

(2) If—

(a) a house has, after the commencement of this Act, been vacated in pursuance of a demolition order or closing order, or purchased compulsorily under subsection (1) of section seventeen of the principal Act or section three of the Housing (Repairs and Rents) (Scotland) Act, 1954, in lieu of the making of a demolition order in respect thereof; and

(b) any person has, within three months after the service of the demolition or closing order, or of the notice of determination to purchase required by subsection (3) of the said section three, or after the confirmation of a compulsory purchase order, made a representation to the local authority that

Status: This is the original version (as it was originally enacted).

the house has been well maintained and that the good maintenance of the house is attributable wholly or partly to work carried out by him or at his expense ; and

- (c) leaving out of account any sanitary defects in or related to the house, the representation is correct;

the local authority shall make to that person in respect of that house the like payment as would have fallen to be so made under the said section forty if the house had been a house to which that section applies and directions had been given by the Secretary of State for the making of a payment thereunder.

- (3) If, on receiving a representation under the last foregoing subsection, the local authority consider that the condition specified in paragraph (c) of that subsection is not satisfied, they shall serve upon the person by whom the representation was made notice that no payment falls to be made to him under that subsection; and subsections (1) and (3) of section sixteen of the principal Act (which provides for an appeal against certain notices and orders under Part II of that Act) shall apply in relation to any notice under this subsection as it applies in relation to a notice under the said Part II requiring the execution of works.
- (4) For the purposes of this section, a house which might have been the subject of a demolition order but which has, without the making of such an order, been vacated and demolished in pursuance of an undertaking for its demolition given to the local authority shall be deemed to have been vacated in pursuance of a demolition order made and served at the date when the undertaking was given.
- (5) In this section, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—
- " closing order " means an order made in lieu of a demolition order by virtue of the proviso to subsection (4) of section nine of the principal Act;
- " demolition order " means a demolition order made under Part II of the principal Act.

21 Registers of rents of dwellings provided or improved with the assistance of improvement grants

- (1) It shall be the duty of every local authority to make and keep a register, in such form as may be prescribed by the Secretary of State by regulations made in accordance with section one hundred and seventy-three of the principal Act, in which they shall record in relation to every dwelling to which section one hundred and fourteen of the principal Act (which relates to the conditions to be observed with respect to dwellings in respect of the provision or improvement of which improvement grants have been made) applies—
- (a) the amount to which the rent is limited by virtue of paragraph (c) of subsection (1) of that section;
- (b) any increase of the said amount authorised by virtue of section one hundred and eighteen of the principal Act;
- (c) any reduction of the said amount effected by virtue of subsection (2) of section sixteen of, and paragraph 9 of the Third Schedule to, the Valuation and Rating (Scotland) Act, 1956; and
- (d) such other information as may be prescribed in the regulations.

- (2) A register kept by a local authority under this section shall be made available for inspection by the public at the principal office of the authority during all normal business periods.
- (3) Regulations made under this section may provide for the issue by a local authority of extracts of entries in the register kept by them under this section, and for the charging by the local authority of a fee, not exceeding one shilling, in respect of each entry contained in any extract issued in accordance therewith; and any extract so issued shall be evidence of the matters set out therein.

22 Special procedure for completion of compulsory acquisition of land under certain provisions

- (1) If the Secretary of State is satisfied, in the case of a compulsory purchase order submitted to him by a local authority under the principal Act or Part I of the Housing (Repairs and Rents) (Scotland) Act, 1954, that, as respects the whole or any part of the land to which the order relates—
 - (a) reasonable inquiry has been made and it is not practicable to ascertain the name or address of the owner of the land or that part thereof, or
 - (b) the land or that part thereof is owned by such number of persons that the obtaining of a separate title from each would cause undue delay, or
 - (c) any other special circumstances exist which, in his opinion, make it necessary or expedient that the power conferred on him by this section should be exercised,

he may include in the order as confirmed by him a direction that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945, shall apply to the order, or, as the case may be, to the order so far as it relates to the part of the land in question:

Provided that no such direction shall be so included in a compulsory purchase order unless application in that behalf is included in the order as submitted to the Secretary of State.

- (2) A compulsory purchase order which contains any direction under this section shall, as soon as may be after the order becomes operative, be recorded by the local authority in the appropriate Register of Sasines.
- (3) References in the said Sixth Schedule to a purchase order providing for expedited completion, to the purchasing authority or to subsection (2) of section thirty-six of the Town and Country Planning (Scotland) Act, 1947, shall be construed, for the purposes of this section, as references respectively to a compulsory purchase order containing a direction under this section, to the local authority authorised to acquire land by that order and to subsection (2) of this section.
- (4) Paragraph 3 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, and subsection (1) of section thirty-eight of the principal Act (which provide for early entry on land) and paragraph 4 of that Schedule and sub-paragraph (iv) of paragraph 2 of the Third Schedule to the principal Act (which make special provision, with respect to the sale of parts of houses and other premises) shall not apply to a compulsory purchase order containing any direction under this section.

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- (5) In relation to any compulsory purchase order containing a direction under this section, any words in any enactment importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of this section and paragraph 1 of the Sixth Schedule to the said Act of 1945, is to be deemed to have been served.

23 Grants and advances to Scottish Special Housing Association

- (1) The Secretary of State may, with the consent of the Treasury, make to the Scottish Special Housing Association payments in respect of such number of houses provided by the Association as he may determine, being—
- (a) houses provided in the district of any local authority as respects which the Secretary of State is satisfied—
 - (i) that there is an urgent need for more housing accommodation which will be met only if such accommodation is provided by the local authority or the Association, and
 - (ii) that all accommodation so required cannot be provided by the local authority without imposing an unreasonably heavy rate burden or necessitating the charging of unreasonably high rents for that accommodation and other accommodation provided by the authority; or
 - (b) houses provided in pursuance of arrangements such as are mentioned in subsection (1) of section eight of this Act.
- (2) A payment under the foregoing subsection shall consist in respect of each completed house of an annual contribution for a period of sixty years of an amount, in each year, equal to the annual contribution or, as the case may be, the sum of the annual contributions, which would have been payable in that year under subsection (7) of section eighty-four and sections eighty-six, eighty-eight and eighty-nine of the principal Act, and sections two, three and four of this Act, if the house had been a house provided by a local authority.
- (3) No payment shall be made by the Secretary of State under section ninety-three of the principal Act (which relates to grants to the Scottish Special Housing Association) in respect of any house for which proposals, accompanied by such information as is required by the Secretary of State as to the estimated cost of erection of the house, were or are received by the Secretary of State on or after the first day of August, nineteen hundred and fifty-six.
- (4) Where the Secretary of State is satisfied that the total net annual expenditure (as calculated in accordance with rules made by the Secretary of State) necessarily incurred in any year by the Scottish Special Housing Association in providing houses in respect of which payments fall to be made under section ninety-three of the principal Act and this section is greater than the sum of the said payments for that year, the Secretary of State may, with the approval of the Treasury, make such further contribution to the Association as he may determine.
- (5) Subsection (1) of section ninety-four of the principal Act (which provides for the making by the Secretary of State of advances to the Scottish Special Housing Association) shall have effect—

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- (a) as if the reference in paragraph (a) thereof to the provision of houses under section ninety-three of the principal Act included a reference to the provision of such houses as are mentioned in subsection (1) of this section, and
 - (b) with the addition, at the end of the subsection, of the following proviso, that is to say—
 - " Provided that the aggregate amount of the advances made under this subsection shall not exceed one hundred million pounds."
- (6) Any reference in this section to a house shall include a reference—
- (a) to any housing accommodation which, if it were provided by a local authority, would be deemed to be a house for the purposes of subsection (7) of section eighty-four or section eighty-nine of the principal Act, and
 - (b) to any building provided in connection with housing accommodation provided by the Scottish Special Housing Association, being a building which in the opinion of the Secretary of State will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

24 Minor modifications of principal Act

The principal Act shall have effect subject to the modifications specified in Part II of the First Schedule to this Act, being modifications of a minor character.

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

25 Extension of s. 19 of 8 and 9 Geo. 6. c. 33

Section nineteen of the Town and Country Planning (Scotland) Act, 1945 (which confers on local planning authorities power to carry out certain development) shall have effect as if the reference in subsection (1) thereof to Part III of the Town and Country Planning (Scotland) Act, 1947 included a reference to the Distribution of Industry Act, 1945.

26 Financial provisions

- (1) There shall be defrayed out of moneys provided by Parliament—
 - (a) all sums payable by the Secretary of State under this Act; and
 - (b) any increase attributable to the provisions of this Act in the sums required or authorised under any other Act to be so defrayed.
- (2) Any receipts of the Secretary of State under this Act shall be paid into the Exchequer.

27 Interpretation

- (1) This Act shall be construed as one with the principal Act, and, without prejudice to the generality of the foregoing provision, any reference in the principal Act or in Part I of the Housing (Repairs and Rents) (Scotland) Act, 1954 to—

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- (a) any enactment contained in the principal Act which is amended by this Act shall be construed as a reference to that enactment as so amended, and
 - (b) an Exchequer contribution payable under Part VI of the principal Act shall be construed as including a reference to an Exchequer contribution payable under Part I of this Act.
- (2) In this Act the expression " principal Act" means the Housing (Scotland) Act, 1950.
- (3) Any reference in this Act to a provision of the principal Act shall include a reference to the corresponding provision of any enactment repealed by that Act.
- (4) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by any subsequent enactment, including this Act.
- (5) Any provision of this Act containing a reference to the sixteenth day of May shall, in its application to a local authority whose financial year begins on a day other than the sixteenth day of May, have effect with the substitution for the said reference of a reference to that other day.

28 Citation, repeals and extent

- (1) This Act may be cited as the Housing and Town Development (Scotland) Act, 1957 ; and this Act and the Housing (Scotland) Acts, 1950 and 1952 and Part I (and Part III so far as relating to Part I) of the Housing (Repairs and Rents) (Scotland) Act, 1954 may be cited together as the Housing (Scotland) Acts, 1950 to 1957.
- (2) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This Act shall extend to Scotland only.

SCHEDULES

FIRST SCHEDULE

Sections 6, 24.

MODIFICATIONS TO HOUSING (SCOTLAND) ACT, 1950 (14 GEO. 6. C. 34)

PART I

Modifications relating to Part I of this Act

- 1 In paragraph (b) of subsection (3) of section seventy-three (which paragraph requires certain houses to be reserved for the agricultural population) the reference to a contribution payable under section eighty-five shall include a reference to a contribution payable under paragraph (c) of subsection (2) of section two of this Act.
- 2 In the following provisions, that is to say—
 - (a) section eighty-six (which relates to additional Exchequer contributions for houses involving expenditure on rights of support) and
 - (b) section eighty-eight (which relates to additional Exchequer contributions for houses constructed to preserve the character of their surroundings),any reference to a contribution payable under Part VI shall include a reference to a contribution payable under Part I of this Act, and any reference to a contribution payable under section eighty-four or eighty-five shall include a reference to a contribution payable under section two of this Act.
- 3 Subsection (4) of section eighty-seven (which subsection relates to housing accommodation transferred from a development corporation to a local authority) shall have effect as if any reference to sums payable to a development corporation under subsection (3) of the said section eighty-seven included a reference to sums payable to such a corporation under Part I of this Act.
- 4 Section one hundred and twenty-seven (which provides among other things for the review of Exchequer contributions) shall have effect as if the reference in paragraph (a) of subsection (2) thereof to the annual contributions payable under section eighty-four, eighty-five or eighty-six included a reference to the annual contributions payable under sections two, three and four of this Act:

Provided that no order made under the said section one hundred and twenty-seven by virtue of this paragraph shall have effect in relation to a house such as is mentioned in paragraph (d) of subsection (2) of section two of this Act if the overspill agreement in pursuance of which the house is provided was approved by the Secretary of State before the date of coming into operation of the order.
- 5 Subsection (2) of section one hundred and twenty-eight (which subsection relates to the time and manner in which contributions under certain enactments shall be payable) and section one hundred and twenty-nine (which relates among other things to the failure of a local authority to discharge any duty, or exercise any power, under certain enactments) shall apply in relation to sections two, three and four of

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this Act as they apply in relation to the enactments specified in Part II of the Sixth Schedule, and accordingly the said Part II shall have effect with the addition, at the end thereof, of the words—

“13 Sections two, three and four of the Housing and Town Development (Scotland) Act, 1957.”;

and in the said subsection (2) the reference to section ninety-three shall include a reference to section twenty-three of this Act.

6 Subsection (1) of section one hundred and eighty-four and Part I of the Sixth Schedule (which together define the expression " Exchequer contribution ") shall have effect with the addition, at the end of the said Part I, of the words—

“13 Sections two, three and four of the Housing and Town Development (Scotland) Act, 1957.”

PART II

OTHER MINOR MODIFICATIONS

7 Subsection (1) of section sixty-three (which relates to the acquisition of land by agreement for the purposes of Part V of that Act) shall have effect as if for the words from " in like manner " to the end of the subsection there were substituted the words " under section one hundred and fifty-six of the Local Government (Scotland) Act, 1947 (notwithstanding anything in section one hundred and seventy-three of that Act), and section one hundred and fifty-eight of that Act shall apply accordingly ".

8 In subsection (3) of section seventy-five (which relates to advances made by a local authority for the purpose of increasing housing accommodation) any reference, in relation to an advance, to a bond and disposition in security of the lands with which the advance is concerned shall include a reference to a bond and such other deed of heritable security as may be agreed between the parties making and receiving the advance.

9 Subsection (1) of section one hundred and six (which relates to the nature and amounts of Exchequer contributions towards the annual loss likely to be incurred by a local authority as a result of giving effect to approved improvement proposals) shall have effect with the addition at the end thereof of the words " or for such period, not exceeding sixty financial years beginning as aforesaid, as may be determined by the Secretary of State."

10 Section one hundred and eleven (which relates to improvement grants to persons other than local authorities) shall have effect with the addition at the end thereof of the following subsection, that is to say—

“(8) If a local authority refuse to approve an application under this section, or, having approved such an application, pay by way of an improvement grant in respect thereof an amount smaller than the maximum amount allowed by subsection (1) of the next following section apart from the proviso to the said subsection, they shall, if the applicant so requests, notify him in writing of the grounds of their refusal or, as the case may be, the grounds of their decision not to pay the said maximum amount”.

11 Subsection (1) of section one hundred and twelve (which subsection limits the amount which may be paid by a local authority by way of an improvement grant) shall have effect and shall be deemed always to have had effect, as if there were

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- added to paragraph (b) thereof the words " for each dwelling provided or improved by the works ".
- 12 Section one hundred and thirty-eight (which relates to the credits and debits in a local authority's housing revenue account) shall have effect as if in subsection (1) thereof—
- (a) after paragraph (c) there were added the following paragraph, namely—
 - “(d) any payments received by them from another local authority in pursuance of any overspill agreement within the meaning of Part II of the Housing and Town Development (Scotland) Act, 1957, being payments such as are mentioned in paragraph (vii) of this subsection ;”and;
 - (b) after paragraph (vi) thereof there were added the following paragraph, namely—
 - “(vii) any payments made by them to another local authority or a development corporation in pursuance of any overspill agreement within the meaning of Part II of the Housing and Town Development (Scotland) Act, 1957, being payments towards expenditure which, if it had been incurred by the first mentioned local authority, would have been debited by them to their housing revenue account in pursuance of this subsection”.
- 13 Subsection (1) of section one hundred and eighty-four (which relates to interpretation) shall have effect as if in the definition of the expression " flat" after the word " premises " there were added the words " whether or not on the same floor ".
- 14 Paragraph 8 of the Seventh Schedule (which paragraph relates to the contributions payable under section five of the Housing, Town Planning, etc. (Scotland) Act, 1919) shall have effect as if for the words from "the mean of" to the end of the paragraph there were substituted the words " the total of the rateable values of lands and heritages in the district on which the rates are assessed. "

SECOND SCHEDULE

Section 10.

TOWN DEVELOPMENT SCHEMES

- 1 Every town development scheme shall in such manner as the Secretary of State may direct (either generally or in relation to the particular scheme) specify—
- (a) the area to which the scheme relates ;
 - (b) the uses to which it is proposed that the various parts of the area are to be put; and
 - (c) the arrangements proposed to be made for the provision of any water supply or sewerage service required for the purposes of the scheme, and the public authority by whom it is proposed that the supply or service shall be provided.

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- 2 Where a town development scheme is promoted by a receiving authority who are not the local planning authority for the area or any part of the area to which the scheme relates they shall before submitting the scheme to the Secretary of State consult the local planning authority for the area, or, as the case may be, that part of the area, and shall on submission of the scheme deliver to them a copy of the scheme as submitted.
- 3 Where it is proposed in a town development scheme—
- (a) that any public authority not being the receiving authority are to undertake the provision of any water supply or sewerage service, or
 - (b) that the receiving authority are to provide any such supply or service or construct works for the purposes of any such supply or service within the limits of supply or district of any other public authority responsible for providing the supply or service in question,
- the receiving authority shall before submitting the scheme to the Secretary of State consult that other authority and shall on submission of the scheme deliver to them a copy of the scheme as submitted.
- 4 Any authority entitled to receive a copy of a town development scheme under paragraph 2 or 3 of this Schedule may within sixty days of the receipt thereof submit to the Secretary of State objections thereto.
- 5 (1) Subject to the next following sub-paragraph, where any objections to a town development scheme have been duly submitted to the Secretary of State under the last foregoing paragraph, and have not been withdrawn, the Secretary of State shall not approve the scheme except after causing a local inquiry to be held with respect to such objections and considering the report of the person holding the inquiry.
- (2) If every authority who have submitted, and not withdrawn, objections to a town development scheme agree that a local inquiry should be dispensed with, so much of the foregoing sub-paragraph as relates to the holding of such an inquiry shall not apply to that scheme.
- (3) Section three hundred and fifty-five of the Local Government (Scotland) Act, 1947 (which contains provisions as to local inquiries) shall apply to local inquiries held under this paragraph.
- 6 If the Secretary of State proposes to approve a town development scheme with any modification imposing any duty on any public authority he shall give notice of his intention to the receiving authority and any public authority affected by the modification, who may within sixty days of the notification submit to the Secretary of State objections to the modification ; and paragraph 5 of this Schedule shall apply to objections so submitted in like manner as it applies to objections to a town development scheme submitted under paragraph 4 of this Schedule.

THIRD SCHEDULE

Section 28.

REPEALS

| Session and Chapter | Short Title | Extent of Repeal |
|------------------------|-----------------------------------|-------------------------------------|
| 25 & 26 Geo. 5. c. 41. | The Housing (Scotland) Act, 1935. | Sections thirty-one and thirty-six. |

| Session and Chapter | Short Title | Extent of Repeal |
|-----------------------|---|---|
| 1 & 2 Geo. 6. c. 38. | The Housing (Agricultural Population) (Scotland) Act, 1938. | Section two. |
| 2 & 3 Geo. 6. c. 3. | The Housing (Financial Provisions) (Scotland) Act, 1938. | Section five. |
| 14 Geo. 6. c. 34. | The Housing (Scotland) Act, 1950. | In section seventy-four, the words " or of any of the contributions referred to in the Eighth Schedule to this Act payable by the authority"; in section ninety-one, in subsection (2), the words " and the like annual contributions by the local authority"; in section ninety-three, subsection (3); section ninety-seven; section ninety-eight; section ninety-nine; section one hundred and eight; in section one hundred and eighteen, paragraph (b); in section one hundred and twenty-seven, in subsection (2), paragraph (b); in the Seventh Schedule, in paragraph 1, the words " and of the Eighth Schedule to this Act "; in the Eighth Schedule, paragraphs 1 to 11A inclusive and paragraph 13. |
| 2 & 3 Eliz. 2. c. 50. | The Housing (Repairs and Rents) (Scotland) Act, 1954. | Section five. |
| 3 & 4 Eliz. 2. c. 24. | The Requisitioned Houses and Housing (Amendment) Act, 1955. | Section sixteen. |

TABLE OF STATUTES REFERRED TO IN THIS ACT

| Short Title | Session and Chapter |
|---|-----------------------|
| Court of Session Act, 1868 | 31 & 32 Vict. c. 100. |
| Housing, Town Planning, etc. (Scotland) Act, 1919 | 9 & 10 Geo. 5. c. 60. |
| Town and Country Planning (Scotland) Act, 1945 | 8 & 9 Geo. 6. c. 33. |
| Distribution of Industry Act, 1945 | 8 & 9 Geo. 6. c. 36. |

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| Short Title | Session and Chapter |
|--|-------------------------------------|
| Water (Scotland) Act, 1946 | 9 & 10 Geo. 6. c. 42. |
| New Towns Act, 1946 | 9 & 10 Geo. 6. c. 68. |
| Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 | 10 & 11 Geo. 6. c. 42. |
| Local Government (Scotland) Act, 1947 | 10 & 11 Geo. 6. c. 43. |
| Town and Country Planning (Scotland) Act, 1947 | 10 & 11 Geo. 6. c. 53. |
| Housing (Scotland) Act, 1950 | 14 Geo. 6. c. 34. |
| Housing (Scotland) Act, 1952 | 15 & 16 Geo. 6. & 1 Eliz. 2. c. 63. |
| Housing (Repairs and Rents) (Scotland) Act, 1954 | 2 & 3 Eliz. 2. c. 50. |
| Valuation and Rating (Scotland) Act, 1956 | 4 & 5 Eliz. 2. c. 60. |