



Housing Act 1964

1964 CHAPTER 56

PART II

COMPULSORY IMPROVEMENT OF DWELLINGS TO PROVIDE STANDARD AMENITIES

Tenements in improvement areas in Scotland

22 Immediate improvement notices in respect of dwellings in tenements in improvement areas in Scotland

- (1) At any time within two years (or such other period as may be prescribed) after the passing by a local authority in Scotland of a resolution declaring an area in their district to be an improvement area such authority may, if they are satisfied that any of the dwellings comprised in a tenement in that area—
 - (a) is without one or more of the standard amenities but is capable of improvement at reasonable expense to the full standard or, if not, is capable of improvement at reasonable expense to the reduced standard, and
 - (b) after being so improved will be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as a dwelling for a period of not less than fifteen years,serve a notice (in this Part of this Act referred to as " an immediate improvement notice") on the person having control of the dwelling.
- (2) In addition to serving the immediate improvement notice on the person having control of the dwelling, the local authority shall at the same time serve a copy of the notice on every other person who to the knowledge of the authority is an owner of the dwelling and on the tenant (if any) of the dwelling.
- (3) The immediate improvement notice shall specify the works which in the opinion of the local authority are required to improve the dwelling to the full standard or, as the case may be, to the reduced standard and the period, being twelve months (or such other period as may be prescribed) from the date when the immediate improvement notice

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becomes operative or such longer period as the local authority by permission given in writing may from time to time allow, within which the works are to be carried out.

- (4) If at any time after the service of an immediate improvement notice under this section the local authority consider that the dwelling no longer falls within paragraph (a) or paragraph (b) of subsection (1) of this section, they shall withdraw the said notice.

The withdrawal shall be effected by serving notice of the withdrawal on the person having control of the dwelling, and the local authority shall at the same time serve a copy of the notice on every other person who to the knowledge of the authority is an owner of the dwelling and on the tenant (if any) of the dwelling.

- (5) As soon as practicable after service of an immediate improvement notice or a withdrawal notice under this section the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that such notice has been served as aforesaid.

23 Local authorities may acquire dwellings, etc., in tenements in improvement areas in Scotland

- (1) Subject to the provisions of this section, at any time after the passing by a local authority in Scotland of a resolution declaring an area in their district to be an improvement area such authority may, if they are satisfied that any of the dwellings comprised in a tenement in that area falls within paragraph (a) and paragraph (b) of section 22(1) of this Act, and whether or not they have served an immediate improvement notice in respect of the dwelling under the said section 22, acquire—
- (a) the dwelling, if in the opinion of the authority it is unlikely that it will be improved to the full or, as the case may be, to the reduced standard unless it is acquired by them;
 - (b) any other part of the tenement in which the dwelling is comprised, if—
 - (i) the authority in satisfying themselves that the dwelling falls within the said paragraph (a) have formed the opinion that it is capable of improvement at reasonable expense to the full or, as the case may be, to the reduced standard only if the said part is used or made available, wholly or partly, for the purposes of such improvement, and
 - (ii) in the opinion of the authority it is unlikely that the said part will be used or made available as aforesaid unless it is acquired by them.

In this subsection the references to a part of a tenement include references to any yard, garden, outhouses, pertinents or rights pertaining to any estate or interest in the tenement or any part thereof or usually enjoyed along with that estate or interest.

- (2) The provisions of sections 63 to 65 of the Act of 1950 (which relate to the acquisition by a local authority of land for the purposes of Part V of that Act and to the powers of a local authority in dealing with land so acquired) shall apply in relation to the acquisition of land under the foregoing subsection and to land acquired under that subsection as if such acquisition were for the purposes of the said Part V:

Provided that a compulsory purchase order shall not be made by a local authority by virtue of section 64 of the Act of 1950 as applied by this subsection after the expiry of two years (or such other period as may be prescribed) from the passing by the authority of the resolution declaring the area in which the land proposed to be acquired is situated to be an improvement area.

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- (3) This section shall be included among the enactments to which section 22 of the Scottish Act of 1957 (which provides a special procedure for completion of compulsory acquisition of land under certain enactments) applies; and accordingly subsection (1) of that section shall have effect as if after the words " Housing (Scotland) Act 1962 " there were inserted the words " or section 23 of the Housing Act 1964 ".
- (4) Where a local authority acquire a dwelling under paragraph (a) of subsection (1) of this section, they shall execute, or secure the execution of, such works on that dwelling as are necessary to improve the dwelling to the full or, as the case may be, to the reduced standard; and a local authority shall secure that, so far as is necessary, any subjects acquired by them under paragraph (b) of the said subsection are used or made available for the improvement of the dwelling in connection with the improvement of which they were acquired.
- (5) The power conferred on a local authority by section 131(1) of the Act of 1950 to pay certain allowances to persons displaced in consequence of the exercise of certain powers shall include power to pay allowances to any person displaced from a house or building which, or a part of which, has been acquired by a local authority under this section ; and accordingly in the said section 131(1) after paragraph (e) there shall be inserted the following paragraph—
- “, or
- (f) which, or a part of which, has been acquired by the local authority under section 23 of the Housing Act 1964”.