



# Housing Act 1964

## 1964 CHAPTER 56

### PART V

#### MISCELLANEOUS AND GENERAL

##### *Supplemental*

#### **104 Application to Isles of Scilly**

Section 57 of the Act of 1958 (application to Stilly Isles) shall apply in relation to this Act as it applies in relation to the provisions specified in subsection (3) of that section.

#### **105 Financial provisions**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any administrative expenses incurred by the Minister or the Secretary of State for the purposes of this Act; and
  - (b) any increase attributable to the provisions of this Act in the sums payable out of money so provided under any other enactment.
- (2) There shall be paid into the Exchequer any sums falling to be so paid in consequence of any of the provisions of this Act.

#### **106 General interpretation, and temporary modification as regards London**

- (1) In this Act, except where the context otherwise requires—
  - (a) " the Minister " means the Minister of Housing and Local Government, and
  - (b) " lease " includes an underlease, sublease or any tenancy, and any agreement for a lease, underlease, sublease or tenancy, and " lessee ", " lessor " and " leasehold " shall be construed accordingly.
- (2) In this Act—

" the Act of 1950 " means the Housing (Scotland) Act 1950;

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*Status: This is the original version (as it was originally enacted).*

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" the Scottish Act of 1954 " means the Housing (Repairs and Rents) (Scotland) Act 1954;

" the Act of 1957 " means the Housing Act 1957 ;

" the Scottish Act of 1957 " means the Housing and Town Development (Scotland) Act 1957 ;

" the Act of 1958 " means the Housing (Financial Provisions) Act 1958;

" the Act of 1959 " means the House Purchase and Housing Act 1959;

" the Act of 1961 " means the Housing Act 1961 ;

" the Act of 1962 " means the Housing (Scotland) Act 1962.

- (3) References in this Act to any enactment are references to that enactment as amended by or under any other enactment, including this Act.
- (4) Until 1st April 1965 this Act shall have effect subject to the following modifications, that is to say—
- (a) in the definition of " local authority " in section 12, in section 44(1) and in section 96, for the words "London borough" there shall be substituted the words " metropolitan borough ";
  - (b) in Part IV, " local authority " shall have, in relation to London, the meaning given by section 23(8) of the Act of 1961.
- (5) Subsection (5) (concurrent powers of Greater London Council) of section 21 of the London Government Act 1963 shall apply in relation to any of the powers of a local authority under this Act as it applies in relation to any of the powers of a local authority under any of the enactments referred to in subsection (1) of that section; and, for the purposes of its application in accordance with this subsection, the said subsection (5) shall have effect as if the reference to that Act not being passed were a reference to that Act not being passed and this Act continuing to have effect subject to the modifications set out in subsection (4) of this section.

## 107 General application to Scotland

The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland, that is to say—

- (a) for any reference in this Act to a mortgage, a mortgagor or a mortgagee there shall be substituted respectively a reference to a heritable security, a debtor in a heritable security and the creditor in a heritable security;
- (b) " heritable security " has the same meaning in this Act as in the Conveyancing (Scotland) Act 1924 except that it includes a security constituted by *ex facie* absolute disposition or assignment;
- (c) " the Rent Acts " means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 ;
- (d) any provision in this Act for an application to the county court shall be construed as a provision for an application to the sheriff, and references to the county court or to the court shall be construed accordingly;
- (e) any application to the sheriff under this Act shall be conducted and disposed of in like manner as proceedings brought under the Small Debt (Scotland) Acts 1837 to 1889, and the determination of the sheriff on any such application shall be final and conclusive;

- (f) any provision in this Act for an appeal to the county court shall be construed as a provision for an appeal to the sheriff, and references to the county court or to the court shall be construed accordingly; and the provisions of section 166 of the Act of 1950 (other than subsection (3) of that section) shall apply to any such appeal to the sheriff as they apply to appeals to the sheriff under that Act.

## **108 Short title, citation, repeals, extent and commencement**

- (1) This Act may be cited as the Housing Act 1964, and—
  - (a) the Act of 1957, the Act of 1958, the Act of 1959, the Act of 1961 and this Act may be cited together as the Housing Acts 1957 to 1964; and
  - (b) the Housing (Scotland) Acts 1950 to 1962 and this Act may be cited together as the Housing (Scotland) Acts 1950 to 1964.
- (2) The Acts mentioned in Schedule 5 to this Act shall be repealed to the extent specified in the third column of that Schedule.
- (3) This Act, except paragraph 2(10) of Schedule 1, shall not extend to Northern Ireland.
- (4) Subject to the following subsection, this Act shall come into force at the expiration of the period of one month beginning with the date on which it is passed.
- (5) Part I of this Act and the following provisions of Part V of this Act, that is—
  - (a) section 99, and
  - (b) sections 104 to 107, except section 106(5).shall come into force on the passing of this Act; and the said section 106(5) shall come into force on 1st April 1965.