



# Tenants' Rights, Etc. (Scotland) Act 1980

## 1980 CHAPTER 52

### PART V

#### MISCELLANEOUS

##### *Improvement grants*

#### 66 Availability of improvement grants

(1) For paragraph (a) of section 2(3) of the Housing (Scotland) Act 1974 there shall be substituted the following paragraph—

“(a) unless they are satisfied that the owner of every parcel of land on which the improvement works are to be or are being carried out, other than land proposed to be sold or leased under section 145(4) of the Housing (Scotland) Act 1966, has consented in writing to the application and to being bound by any conditions imposed by or under section 9 of this Act; ” and after subsection (3) of that section there shall be inserted the following subsection—

“(3A) Section 11(5) of this Act shall not apply where an applicant for an improvement grant is not the owner of the land to which the application relates.””

(2) In section 7 of the said Act of 1974 after subsection (6) there shall be inserted a new subsection as follows—

“(7) The Secretary of State may by order—

- (a) vary the requirements of subsection (1)(a) and (b) above;
- (b) vary the amount specified in subsection (4) above, so as to provide for different amounts of grant to apply for different classes of cases.”

(3) In section 49(3) of the said Act of 1974, in the definition of " owner " the words " but in Part I includes such a lessee as is mentioned in section 2(3)(a) of this Act" shall cease to have effect.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The Housing (Scotland) Act 1974 shall be amended as follows—
- (a) .insert in section 4(1), after the word " applicant " , the words " and where appropriate, the owner " ;
  - (b) in section 7(1) leave out the words " by the owner " in both places where they appear;
  - (c) in section 8—
    - (i) in subsection (1) the words " and in subsection (2) below" are repealed;
    - (ii) subsection (2) is repealed ;
  - (d) in section 9—
    - (i) in subsection (5) in paragraph (b) the words " by a member of the agricultural population " is repealed;
    - (ii) in subsection (9) for the words " owner of the house " in the second place where they appear, substitute the word " applicant " ;
  - (e) in section 10A(3) substitute for the word " applicant " the word " owner " .

#### **67 Conditions for approval of applications for improvement grants**

In section 3 of the Housing (Scotland) Act 1974 (conditions for approval of applications for improvement grants)—

- (a) for paragraph (c) of subsection (2) there shall be substituted the following paragraph—
  - “(c) if, subject to subsections (3) to (5) below, it is made by the owner of the house to which the application relates or by a member of his family and the house or any part thereof is to be occupied by the said owner or by a member of his family after completion of the works and—
    - (i) the rateable value of the occupied premises exceeds the prescribed limit; or
    - (ii) if it is to be provided by the conversion of two or more houses, the aggregate of the rateable values of those houses exceeds the prescribed limit:

Provided that where sub-paragraph (i) above applies, a local authority may approve such an application if it is made in relation to a part of the house which after completion of the works will be self-contained and is not to be occupied by the owner or by a member of his family”; and
- (b) for subsection (3) there shall be substituted the following subsections—
  - “(3) Paragraph (c) of subsection (2) above shall not apply—
    - (a) where the house to which the application relates is in a housing action area for improvement declared under section 16 of this Act and is listed in the final resolution under section 18(4)(b) or (c) of this Act as requiring improvement or integration;
    - (b) where the house to which the application relates is subject to an improvement order made under section 14A(1) of this Act.

(3A) In paragraph (c) of subsection (2) 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 for different cases and for different classes of cases; and

" rateable value" means the rateable value entered in the valuation roll and in force on the date of the application.

(3B) The Secretary of State may by order made in a statutory instrument vary the provisions of paragraph (c) of subsection (2) above.”.

## **68 Maximum approved expense for repair works associated with improvement**

—Section 5 of the Housing (Scotland) Act 1974 shall be amended as follows—

(a) by substituting for paragraph (a) of subsection (3) the following paragraph—

“(a) where an application for an improvement grant relates wholly or partly to the provision of any or all of the standard amenities and—

(i) on completion of the works the house is in the opinion of the local authority likely to be available for use as a house for a period of at least 10 years, a maximum approved expense not exceeding £2,000 or such other amount as may be prescribed, or 50 per cent, or such other percentage as may be prescribed of the approved expense of executing the improvement works, whichever is the greater; or

(ii) on completion of the works the house is in the opinion of the local authority likely to be available for use as a house for a period of less than 10 years, a maximum approved expense not exceeding £200 (or such other amount as may be prescribed) for each standard amenity provided, but subject to a maximum of £800 or such other amount as may be prescribed ;”;

(b) by adding after the said subsection (3) a new subsection—

“(3A) The power to prescribe amounts and percentages for the purposes of subsection (3) above includes power to prescribe different amounts and percentages for different cases and classes of cases.”.

## **69 Availability for long term use**

Section 7 of the Housing (Scotland) Act 1974 shall be amended as follows—

(a) after paragraph (1)(a) insert the word " and " ;

(b) subsection (1)(c) and the word " and " which precedes it are repealed ; and

(c) after subsection (1A) insert a new subsection as follows—

“(1B) Paragraph (a) of subsection (1) above shall not apply where the house in respect of which application for a grant is made is not likely to be available for use as a house for a period of at least 10 years.”.

**70 Abolition of power of Secretary of State to specify requirements in relation to repairs grants**

In section 10A(2) of the Housing (Scotland) Act 1974 for the words from " such period " to the end there shall be substituted the words " as they consider reasonable " .

**71 Grants for provision of fixed bath or shower**

In section 14A of the Housing (Scotland) Act 1974, after subsection (1) there shall be inserted the following subsection—

“(1A) In subsection (1) above, reference to a house-which does not meet the tolerable standard includes a reference to a house which does not have a fixed bath or shower and reference to executing works to bring it up to the tolerable standard includes reference to installing a fixed bath or shower.”.

**72 Abolition of control over improvement orders**

Section 14A(2) of the Housing (Scotland) Act 1974 is repealed.

**73 Amendment of definition of " prescribed " in Housing (Scotland) Act 1974**

The definition of "prescribed" in section 49(3) of the Housing (Scotland) Act 1974 shall be amended by inserting before " in relation to " the words " means prescribed by the Secretary of State and " .

**74 Discretion of court in cases relating to instalment purchase agreements**

- (1) Where, under the terms of an instalment purchase agreement, a person has been let into possession of a dwelling-house and, on the termination of the agreement or of his right to possession under it, proceedings are brought for possession of the dwelling-house, the court may—
  - (a) adjourn the proceedings ; or
  - (b) on making an order for possession of the dwelling-house, supersede extract or postpone the date of possession;for such period or periods as the court thinks fit.
- (2) On any such adjournment, superseding of extract, or postponement the court may impose such conditions with regard to the payment by the person in possession in respect of his continued occupation of the dwelling-house and such other conditions as the court thinks fit.
- (3) The court may revoke or from time to time vary any condition imposed by virtue of this section.
- (4) In this section " instalment purchase agreement" means an agreement for the purchase of a dwelling-house under which the whole or part of the purchase price is to be paid in 3 or more instalments and the completion of the purchase is deferred until the whole or a specified part of the purchase price has been paid.

### *Abolition of Scottish Housing Advisory Committee*

#### **75 Abolition of Scottish Housing Advisory Committee**

The Scottish Housing Advisory Committee established by section 167 of the Housing (Scotland) Act 1966 is abolished and accordingly—

- (a) section 167 of that Act is repealed ;
- (b) in section 91(1) of that Act the words " and after consultation with the Scottish Housing Advisory Committee " are repealed; and
- (c) in section 91(2) of that Act the words "and the said Committee " are repealed.

#### **76 Amendment of sections 17 and 145 of Housing (Scotland) Act 1966**

The Housing (Scotland) Act 1966 shall be amended as follows—

- (a) in section 17 (power to make closing orders with respect to underground rooms), in subsections (2)(b) and (3), the words " with the consent of the Secretary of State " shall cease to have effect;
- (b) in section 145 (powers of dealing with land etc.), in subsection (7)—
  - (i) for the words " section 168 of the Local Government (Scotland) Act 1947 " there shall be substituted the words " section 74 of the Local Government (Scotland) Act 1973 " ;
  - (ii) for the words from " Act of 1947 " to the words " that Act" there shall be substituted the words " Act of 1973 in the exercise of any power under Part VI of that Act " ;
  - (iii) for the words " said section 168 " there shall be substituted the words " said section 74 " .

#### **77 Duty of local authority to have regard to amenities of locality etc.**

In fulfilling the duty imposed on it by section 177 of the Housing (Scotland) Act 1966 a local authority shall no longer require to have regard to directions made by the Secretary of State and accordingly, in the said section 177—

- (a) in subsection (1), the words from " artistic interest" to the end are repealed ; and
- (b) in subsection (2) the words " , and if required by the Secretary shall," and the words from " , and the authority " to the end are repealed.

#### **78 Extension of rent allowances**

Part II of the Housing (Financial Provisions) (Scotland) Act 1972 (Rent rebates and allowances) shall be amended as follows—

- (a) in subsection (4) of section 16 (rent allowances) by inserting at the beginning of paragraph (a) the words " a regional council, " ;
- (b) in section 16 by adding after subsection (7) the following subsections—
  - “(8) Subsection (1) above and, in so far as they relate to rent allowances, sections 17 to 22 below shall, with any necessary modifications, apply in relation to a person who occupies any hostel accommodation as they apply in relation to a tenant to whom those provisions apply.

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

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(9) A person shall not be precluded from receiving an allowance under an allowance scheme by reason only that he does not have exclusive occupation of the house which he occupies.”;

(c) in section 22(1) by inserting in the appropriate place the following definition—

“" hostel " means 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.”.

#### **79 Board excluded in calculating rent allowances**

Section 21(1)(b) of the 1972 Act shall be amended by inserting after the word " relates " the words " or for board ".

#### **80 Extension of rent allowance scheme**

In the definition of " housing association " in section 78 (interpretation) of the Housing (Financial Provisions) (Scotland) Act 1972 there shall be added at the end the words—

“where under the terms of the tenancy agreement or of the agreement by which the tenant became a member of the association or otherwise he (or his personal representatives) will be entitled, on his ceasing to be a member and subject to any conditions stated in either agreement, to a sum calculated by reference directly or indirectly to the value of the house.”.

#### **81 Agreements for exercise by housing co-operatives of local authority housing functions**

In making an agreement under section 5 of the Housing Rents and Subsidies (Scotland) Act 1975 for the exercise by a housing co-operative of local authority housing functions, a local authority shall no longer require to obtain the consent of the Secretary of State to the terms of the agreement and accordingly, in the said section 5—

- (a) in subsection (2) the words " and the terms of any agreement shall be approved by him " are repealed; and
- (b) in subsection (3) the words " and to the terms " are repealed.