



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART XII

#### HOUSE LOANS AND OTHER FINANCIAL ASSISTANCE

##### *House loans: general*

**<sup>F1</sup>214 Power of local authority to make advances for the purpose of increasing housing accommodation.**

.....

**Textual Amendments**

**F1** S. 214 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); S.S.I. 2009/122, art. 3

**<sup>F2</sup>215 Requirements as to meeting tolerable standard.**

.....

**Textual Amendments**

**F2** S. 215 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); S.S.I. 2009/122, art. 3

##### *House loans: special cases*

**<sup>F3</sup>216 .....**

*Status: Point in time view as at 25/02/2020.*

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**Textual Amendments**

**F3** S. 216 repealed (30.9.2002) by [2001 asp 10, s. 51\(3\)](#); [S.S.I. 2002/321, art. 2](#), [Sch.](#) (with transitional provisions and savings in [arts. 3-5](#))

**F4 217 Duty of local authorities to offer loans to meet expenses of improvement of houses in housing action areas.**

.....

**Textual Amendments**

**F4** S. 217 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\), s. 195\(3\)](#), [sch. 7](#) (with [s. 193](#)); [S.S.I. 2009/122, art. 3](#)

**F5 218 Duty of local authority to offer loans to meet expenses of repairs.**

.....

**Textual Amendments**

**F5** S. 218 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\), s. 195\(3\)](#), [sch. 7](#) (with [s. 193](#)); [S.S.I. 2009/122, art. 3](#)

*Rates of interest on home loans*

**219 Local authority home loan interest rates.**

(1) Subject to subsections (2) and (3)—

<sup>F6</sup>(a) .....

(b) any sum secured under any arrangement by which the price or part of the price of a house sold by a local authority is secured by a standard security; and

(c) any sum secured under any security which is taken over by a local authority under a power conferred by section 229 (local authority indemnities for building societies, etc.),

is a variable interest home loan for the purposes of this section.

(2) This section does not apply to an advance made before 3rd October 1980 or to a sum secured in respect of the price of a house agreed to be sold before then or (where subsection 1(c) applies) to a security granted before then.

(3) This section shall not apply to an advance made in implement of a contract constituted by an offer of advance made before that date and an unqualified acceptance of that offer thereafter.

(4) Subject to section 220, a local authority shall, in respect of their variable interest home loans, charge a rate of interest which shall be equal to whichever is the higher of the following—

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- (a) the standard rate for the time being, as declared by the Secretary of State in accordance with subsection (5);
  - (b) the locally determined rate calculated in accordance with subsection (6).
- (5) In considering what rate to declare as the standard rate for the purposes of subsection (4), the Secretary of State shall take into account interest rates charged by building societies in the United Kingdom and any movement in those rates.
- (6) The locally determined rate for the purposes of this section shall be the rate which is necessary to service loan charges on money which is to be applied to making variable interest home loans during the relevant period of six months (referred to in subsection (7)), together with the addition of one quarter per cent. to cover the administration cost of making and managing variable interest home loans.
- (7) The locally determined rate, for the purposes of this section, shall be determined by each local authority for the period of 6 months not less than one month before the beginning of the relevant period.
- (8) Nothing in this or the following two sections shall affect the operation of section 223(1)(b) (under which a part of certain loans may be free of interest for up to 5 years).

#### Textual Amendments

**F6** S. 219(1)(a) repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3 (with art. 4F) (as amended (17.3.2010) by [S.S.I. 2010/114](#), art. 2)

#### Modifications etc. (not altering text)

**C1** S. 219 excluded by [Local Government Act 1988 \(c. 9, SIF 81:1\)](#), s. 24(4)

## 220 Variation of rate by local authority.

- (1) Where the declaration of a new standard rate or, as the case may be, the determination of a new locally determined rate, affects the rate of interest chargeable under section 219 by a local authority the authority shall, as soon as practicable after such declaration or determination, serve in respect of each of its variable interest home loans a notice on the borrower which shall, as from the appropriate day—
- (a) vary the rate of interest payable by him; and
  - (b) where, as the result of the variation, the amount outstanding under the advance or security would increase if the periodic repayments were not increased, increase the amount of the periodic repayments to such an amount as will ensure that the said outstanding amount will not increase.
- (2) In subsection (1), “the appropriate day” means such day as shall be specified in the notice, being—
- (a) in the case of a new standard rate, a day not less than 2 weeks, nor more than 6 weeks, after service of the notice; and
  - (b) in the case of a new locally determined rate, the first day of the relevant period of 6 months.

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## 221 Variation of rate by Secretary of State.

—Notwithstanding anything contained in sections 219 and 220, but subject to section 230, the Secretary of State may, where he considers that the interest rate charged by a local authority does not satisfy the requirements of section 219(4), direct a local authority—

- (a) to charge an interest rate specified in the direction; and
- (b) to vary the rate in accordance with the provisions of section 220.

*Assistance for first-time buyers*

## 222 Advances to recognised lending institutions to assist first-time buyers.

(1) The Secretary of State may make advances to recognised lending institutions enabling them to provide assistance to first-time purchasers of house property in Great Britain where—

- (a) the purchaser intends to make his home in the property,
- (b) finance for the purchase of the property (and improvements, if any) is obtained by means of a secured loan from the lending institution, and
- (c) the purchase price is within the prescribed limits.

(2) In this section “prescribed” means prescribed by order of the Secretary of State.

(3) An order—

- (a) may prescribe different limits for properties in different areas, and
- (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the House of Commons.

### **Modifications etc. (not altering text)**

**C2** Ss. 222–227: power to amend or repeal conferred by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), [s. 171\(b\)\(2\)](#)

## 223 Forms of assistance and qualifying conditions.

(1) Assistance under section 222 (assistance for first-time buyers) may be given in the following ways—

- (a) the secured loan may be financed by the Secretary of State to the extent of £600 (that amount being normally additional to that which the institution would otherwise have lent, but not so that the total loan exceeds the loan value of the property);
- (b) £600 of the total loan may be made free of interest, and of any obligation to repay principal, for up to 5 years from the date of purchase; and
- (c) the institution may provide the purchaser with a bonus on his savings (which bonus shall be tax-exempt) up to a maximum of £110, payable towards the purchase or expenses arising in connection with it.

(2) The purchaser qualifies for assistance under subsection (1)(a) and (b) (interest-free loan) by satisfying the following conditions with respect to his own savings—

- (a) that he has been saving with a recognised savings institution for at least 2 years preceding the date of his application for assistance,

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- (b) that throughout the 12 months preceding that date he had at least £300 of such savings, and
  - (c) that by that date he has accumulated at least £600 of such savings;and he qualifies for assistance under subsection (1)(c) (bonus on savings) by satisfying the conditions specified in paragraphs (a) and (b) above.
- (3) The Secretary of State may allow for the conditions to be relaxed or modified in particular classes of case.
- (4) No assistance shall be given in any case unless the amount of the secured loan is at least £1,600 and amounts to not less than 25 per cent. of the purchase price of the property.
- (5) The Secretary of State may by order made with the consent of the Treasury—
  - (a) alter any of the money sums specified in this section;
  - (b) substitute a longer or shorter period for either or both of the periods mentioned in subsection (2)(a) and (b) (conditions as to savings);
  - (c) alter the condition in subsection (2)(c) so as to enable the purchaser to satisfy it with lesser amounts of savings and to enable assistance to be given in such a case according to reduced scales specified in the order;
  - (d) alter the percentage mentioned in subsection (4) (minimum secured loan).
- (6) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the House of Commons.

**Modifications etc. (not altering text)**

- C3** Ss. 222–227: power to amend or repeal conferred by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), [s. 171\(b\)\(2\)](#)
- C4** S. 223(3) amended by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), [s. 171\(3\)\(a\)](#)

**224 Recognised lending institutions.**

- (1) The lending institutions recognised for the purposes of section 222 (assistance for first-time buyers) are—
  - building societies,
  - local authorities,
  - development corporations,
  - The Scottish Special Housing Association,
  - banks,
  - insurance companies, and
  - friendly societies.
- (2) The Secretary of State may by order made with the consent of the Treasury—
  - (a) add to the list in subsection (1), or
  - (b) direct that a named body shall no longer be a recognised lending institution; but before making an order under paragraph (b) he shall give an opportunity for representations to be made on behalf of the body concerned.
- (3) An order shall be made by statutory instrument.

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**Modifications etc. (not altering text)**

- C5** Ss. 222–227: power to amend or repeal conferred by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), [s. 171\(b\)\(2\)](#)

**225 Recognised savings institutions.**

- (1) The savings institutions recognised for the purposes of section 223 (qualifying conditions as to savings) are—

building societies,  
 local authorities,  
 banks,  
 friendly societies,  
 the Director of Savings, and  
 the Post Office,

and savings institutions recognised for the purposes of the corresponding provisions in force in England or Wales or Northern Ireland.

In this section and in section 227 those corresponding provisions are—

- (a) in relation to England and Wales, sections 445 to 449 of the <sup>M1</sup>Housing Act 1985;  
 (b) in relation to Northern Ireland, Part IX of the <sup>M2</sup>Housing (Northern Ireland) Order 1981.

- (2) The Secretary of State may by order made with the consent of the Treasury—

- (a) add to the list in subsection (1), or  
 (b) direct that a named body shall no longer be a recognised savings institution, but before making an order under paragraph (b) he shall give an opportunity for representations to be made on behalf of the body concerned.

- (3) An order shall be made by statutory instrument.

**Modifications etc. (not altering text)**

- C6** Ss. 222–227: power to amend or repeal conferred by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), [s. 171\(b\)\(2\)](#)

**Marginal Citations**

- M1** 1985 c. 68.  
**M2** S.I.1981/156 (N.I.3).

**226 Terms of advances and administration.**

- (1) Advances to lending institutions under section 222 (assistance for first-time buyers) shall be on such terms as to repayment and otherwise as may be settled by the Secretary of State, with the consent of the Treasury, after consultation with lending and savings institutions or organisations representative of them; and the terms shall be embodied in directions issued by the Secretary of State.

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- (2) The following matters, among others, may be dealt with in directions issued by the Secretary of State—
- (a) the cases in which assistance is to be provided;
  - (b) the method of determining the loan value of property for the purpose of section 223(1)(a) (limit on total loan);
  - (c) the method of quantifying bonus by reference to savings;
  - (d) the considerations by reference to which a person is or is not to be treated as a first-time purchaser of house property;
  - (e) the steps which must be taken with a view to satisfying the conditions in section 223(2) (conditions as to purchaser's own savings), and the circumstances in which those conditions are or are not to be treated as satisfied;
  - (f) the supporting evidence and declarations which must be furnished by a person applying for assistance, in order to establish his qualification for it, and the means of ensuring that restitution is made in the event of it being obtained by false representations;
  - (g) the way in which amounts paid over by way of assistance are to be repaid to the lending institutions and to the Secretary of State.
- (3) The Secretary of State may, to the extent that he thinks proper for safeguarding the lending institutions, include in the terms an undertaking to indemnify the institutions in respect of loss suffered in cases where assistance has been given.

**Modifications etc. (not altering text)**

C7 Ss. 222–227: power to amend or repeal conferred by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), [s. 171\(b\)\(2\)](#)

**227 Modifications of building society law and disapplication of provisions of the Restrictive Trade Practices Act 1976 in relation to assistance for first-time buyers.**

- (1) So much of an advance by a building society which is partly financed under section 222 (assistance for first-time buyers) or the corresponding English or Northern Ireland provisions as is so financed shall be treated as not forming part of the advance for the purpose of determining—
- (a) whether the advance, or any further advance made within two years of the date of purchase, is beyond the powers of the society, and
  - (b) the classification of the advance, or any such further advance, for the purposes of Part III of the <sup>M3</sup>Building Societies Act 1986.

[<sup>F7</sup>(2) Section 16(3) and (5) of the <sup>M4</sup>Restrictive Trade Practices Act 1976 (recommendations by service supply associations to members) shall not apply to recommendations made to lending institutions and savings institutions about the manner of implementing sections 222 to 226 (assistance for first-time buyers) or the corresponding English or Northern Ireland provisions, provided that the recommendations are made with the approval of the Secretary of State, or as the case may be, the Department of Environment for Northern Ireland, which may be withdrawn at any time on one month's notice.]

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**Textual Amendments**

**F7** S. 227: By [S.I. 2000/311](#), [art. 44\(2\)](#) it is provided (1.3.2000) that s. 227(2)(b) is repealed

**Modifications etc. (not altering text)**

**C8** Ss. 222–227: power to amend or repeal conferred by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), [s. 171\(b\)\(2\)](#)

**Marginal Citations**

**M3** 1986 c. 53.

**M4** 1976 c. 34.

<sup>F8</sup>**228** .....

**Textual Amendments**

**F8** S. 228 repealed (1.3.2000) by [S.I. 2000/311](#), [arts. 1, 44\(3\)](#)

*Other assistance*

**229 Local authority indemnities for building societies, etc.**

- (1) A local authority may, with the approval of the Secretary of State, enter into an agreement with a building society or recognised body under which the authority binds itself to indemnify the building society or recognised body in respect of—
  - (a) the whole or any part of any outstanding indebtedness of a borrower; and
  - (b) loss or expense to the building society or recognised body resulting from the failure of the borrower duly to perform any obligation imposed on him by a heritable security.
- (2) The agreement may also, where the borrower is made party to it, enable or require the authority in specified circumstances to take an assignation of the rights and liabilities of the building society or recognised body under the heritable security.
- (3) Approval of the Secretary of State under subsection (1) may be given generally in relation to agreements which satisfy specified requirements, or in relation to individual agreements, and with or without conditions, as he thinks fit, and such approval may be withdrawn at any time on one month’s notice.
- (4) Before issuing any general approval under subsection (1) the Secretary of State shall consult with such bodies as appear to him to be representative of local authorities, and of building societies, and also with the [<sup>F9</sup>Financial Conduct Authority and the Prudential Regulation Authority] .

<sup>F10</sup>(5) .....

- (6) In this section “recognised body” means a body designated, or of a class or description designated, in an order under this subsection made by statutory instrument by the Secretary of State with the consent of the Treasury.



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- (7) Before making an order under subsection (6) varying or revoking an order previously so made, the Secretary of State shall give an opportunity for representations to be made on behalf of a recognised body which, if the order were made, would cease to be such a body.

#### Textual Amendments

- F9** Words in s. 229(4) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), [Sch. 11 para. 4](#) (with Sch. 12)
- F10** S. 229(5) repealed (1.3.2000) by [S.I. 2000/311](#), [arts. 1, 44\(3\)](#)

### **230 Assistance by local authority for acquiring houses in need of repair and improvement.**

- (1) Notwithstanding any other provision of sections 219, 220 and 221, a local authority may, where the conditions set out in subsection (2) are satisfied, give assistance to a person acquiring a house in need of repair or improvement by making provision for waiving or reducing, for a period ending not later than 5 years after the date of an advance of money of the kind mentioned in section 219(1)(a) or of the granting of a security under an arrangement of the kind mentioned in section 219(1)(b), the interest payable on the sum advanced or remaining outstanding under the security, as the case may be.
- (2) The conditions mentioned in subsection (1) are that—
- the assistance is given in accordance with a scheme which has been approved by the Secretary of State or which conforms with such requirements as may be specified by the Secretary of State by order made by statutory instrument with the consent of the Treasury; and
  - the person acquiring the house has entered into an agreement with the local authority to carry out, within a period specified in the agreement, works of repair or improvement therein specified.

### **231 [F11 Local loans made by the Treasury] for provision or improvement of housing accommodation.**

- (1) The [F12 Treasury] may, subject to the provisions of this section, lend money to any person entitled to any land either as owner or as lessee under a lease of which a period of not less than 50 years remains unexpired at the date of the loan for the purpose of constructing or improving, or facilitating or encouraging the construction or improvement of, houses, and any such person may borrow from the [F12 Treasury] such money as may be required for the purposes aforesaid.

[F13(1A) Any loan made under subsection (1) is a local loan for the purposes of section 3 of the National Loans Act 1968 (see Schedule 4 to that Act).]

- (2) A loan for any of the purposes specified in subsection (1) shall be secured with interest by a heritable security over the land and houses in respect of which that purpose is to be carried out and over such other land and houses, if any, as may be offered as security for the loan.
- (3) Any such loan may be made whether the person receiving the loan has or has not power to borrow on bond and disposition in security or otherwise, independently of

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this Act, but nothing in this Act shall affect any regulation, statutory or otherwise, whereby any company may be restricted from borrowing until a definite portion of capital is subscribed for, taken or paid up.

- (4) The following conditions shall apply in the case of any such loan—
- (a) the period for repayment shall not exceed 40 years;
  - (b) no money shall be lent on the security of any land or houses unless the estate or interest therein proposed to be burdened is either ownership or a lease of which a period of not less than 50 years remains unexpired at the date of the loan;
  - (c) the money lent shall not exceed such proportion as is hereinafter authorised of the value, to be ascertained to the satisfaction of the [<sup>F14</sup>Treasury], of the estate or interest in the land or houses proposed to be burdened in pursuance of subsection (2); but loans may be made by instalment from time to time as the building of houses or other work on the land so burdened progresses, so, however, that the total loans do not at any time exceed the amount aforesaid; and the heritable security may be granted accordingly to secure such loans so to be made from time to time.
- (5) The proportion of such value as aforesaid authorised for the purpose of the loan shall be three-fourths but if the loan exceeds two-thirds of such value, the [<sup>F15</sup>Treasury] shall require, in addition to such heritable security as is mentioned in subsection (2), such further security as they may think fit.

#### Textual Amendments

- F11** Words in s. 231 heading substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 74(2)** (with art. 9)
- F12** Word in s. 231(1) substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 74(3)** (with art. 9)
- F13** S. 231(1A) inserted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 74(4)** (with art. 9)
- F14** Word in s. 231(4)(c) substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 74(5)** (with art. 9)
- F15** Word in s. 231(5) substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 74(6)** (with art. 9)

### 233 Power of local authority to assist in provision of separate service water pipes for houses.

- (1) A local authority may if they think fit give assistance in respect of the provision of a separate service pipe for a house in their district which has a piped supply of water from a water main, but no separate service pipe.
- (2) Subject to this section, the assistance shall be by way of making a grant in respect of all or any part of the expenses incurred in the provision of the separate service pipe.
- (3) The reference to expenses in subsection (2) includes, in a case where all or any part of the works required for the provision of the separate service pipe are carried out by [<sup>F16</sup>Scottish Water] (whether in exercise of default powers or in any other case), a reference to sums payable by the owner of the house, or any other person, to [<sup>F16</sup>Scottish Water] for carrying out the works.

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**Textual Amendments**

**F16** Words in s. 233(3) substituted (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para 18(4)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (with savings in **art. 3**)

**234 Financial assistance towards tenants' removal expenses.**

- (1) A local authority shall, in the performance of the functions of management of houses conferred on them by section 17, have power, subject to subsections (2) and (3), in every case where a tenant of a house held by it for housing purposes moves to another house, whether or not that other house is also owned by the local authority—
  - (a) to pay any expenses of the removal;
  - (b) where the tenant is purchasing the house, to pay any expenses incurred by him in connection with the purchase other than the purchase price.
- (2) Paragraph (b) of subsection (1) shall only apply in a case where a tenant of a house moves to another house of the local authority if that house has never been let.
- (3) A local authority may make their payment of expenses in connection with the purchase of a house subject to such conditions as they think fit.
- (4) Nothing in this section shall affect the operation of section 34 of the <sup>M5</sup>Land Compensation (Scotland) Act 1973 (disturbance payments for persons without compensatable interests).
- (5) The power conferred on a local authority by subsection (1) to make allowances towards the expenses incurred in removing by persons displaced in consequence of the exercise by the authority of their powers shall include power to make allowances to persons so displaced temporarily in respect of expenses incurred by them in storage of furniture.
- (6) Where, as a result of action taken by a local authority under Part IV, the population of the locality is materially decreased, the authority may pay to any person carrying on a retail shop in the locality such reasonable allowance as they may think fit towards any loss which, in their opinion, he will thereby sustain, so, however, that in estimating any such loss they shall have regard to the probable future development of the locality.

**Marginal Citations**

**M5** 1973 c. 26.

*Contributions to assistance for elderly, etc.*

<sup>F17</sup>**235** .....

**Textual Amendments**

**F17** S. 235 repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, **art. 4**

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