



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART XVI

#### GENERAL AND MISCELLANEOUS

##### *Powers of Secretary of State*

#### **329 Power of Secretary of State in event of failure of local authority to exercise powers**

- (1) In any case where—
  - (a) a complaint has been made to the Secretary of State as respects the district of any local authority, by any four or more local government electors of the area, that the local authority have failed to exercise any of their powers under this Act in any case where those powers ought to have been exercised; or
  - (b) the Secretary of State is of opinion that an investigation should be made as to whether a local authority have so failed,the Secretary of State may cause a public local inquiry to be held.
- (2) If, after the inquiry has been held, the Secretary of State is satisfied that there has been such a failure on the part of the local authority, he may, after giving the authority an opportunity of making representations, make an order enabling him to exercise such of those powers as may be specified in the order.
- (3) Any expenses incurred by the Secretary of State in exercising such powers shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Secretary of State shall on demand be paid by the local authority to the Secretary of State and shall be recoverable as a debt due to the Crown.
- (4) The payment of any such expenses shall, so far as the expenses are of a capital nature, be a purpose for which a local authority may borrow money.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The Secretary of State may by order vest in and transfer to the local authority any property, debts or liabilities acquired or incurred by him in exercising the powers of the authority.
- (6) If an order made under subsection (2) is revoked, the Secretary of State may, either by the revoking order or by a supplementary order, make such provision as appears to him desirable with respect to the transfer, vesting and discharge of any property, debts or liabilities acquired or incurred by the Secretary of State in exercising the powers and duties to which the order so revoked related.

### **330 Power of Secretary of State to prescribe forms, etc.**

- (1) Subject to the provisions of this Act, the Secretary of State may by statutory instrument make regulations prescribing—
  - (a) the form of any notice, advertisement, statement or other document which is required or authorised to be used under, or for the purposes of, this Act;
  - (b) any other thing required or authorised to be prescribed under this Act.
- (2) The forms so prescribed or forms as near as may be to these forms shall be used in all cases to which those forms apply.

### **331 Regulations: procedure**

Subject to the provisions of this Act, regulations made by a statutory instrument under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **332 Secretary of State's power to dispense with advertisements and notices**

- (1) The Secretary of State may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act, if he is satisfied that there is reasonable cause for dispensing with the publication or service.
- (2) Any such dispensation may be given by the Secretary of State either before or after the time at which the advertisement is required to be published or the notice is required to be served, and either unconditionally or upon such conditions as to the publication of other advertisements or the service of other notices or otherwise as the Secretary of State thinks fit, due care being taken by the Secretary of State to prevent the interests of any person being prejudiced by the dispensation.

### **333 Local inquiries**

For the purposes of the execution of his powers and duties under this Act, the Secretary of State may cause such local inquiries to be held as he may think fit.