

SCHEDULES

SCHEDULE 11

HOUSES IN MULTIPLE OCCUPATION: CONTROL ORDERS

PART I

MANAGEMENT SCHEMES

- 1 (1) A management scheme shall give particulars of all works which in the opinion of the local authority—
 - (a) the local authority would have required to be carried out under the provisions of Part VIII (other than those relating to control orders), or under any other enactment relating to housing or public health, and
 - (b) constitute works involving capital expenditure.
- (2) A management scheme shall also—
 - (a) include an estimate of the cost of carrying out the works of which particulars are given in the scheme; and
 - (b) specify what is in the opinion of the local authority the highest number of individuals or households who should, having regard to the considerations set out in subsections (1) to (3) of section 161, live in the house having regard to its existing condition and to its future condition as the works progress which the authority carry out in the house; and
 - (c) include an estimate of the balances which will from time to time accrue to the local authority out of the net amount of the rent and other payments received by the authority from persons occupying the house after deducting—
 - (i) compensation payable by the authority under section 181 and section 183, and
 - (ii) all expenditure, other than expenditure of which particulars are given under subsection (2), incurred by the authority in respect of the house while the control order is in force, together with the appropriate establishment charges.
- (3) In this Schedule, references to surpluses on revenue account as settled by the scheme are references to the amount included in the scheme by way of an estimate under sub-paragraph (2)(c), subject to any variation of the scheme made by the local authority under sub-paragraph (4), or made by the sheriff on an appeal or an application under the following provisions of this Schedule.
- (4) The local authority may at any time vary the scheme in such a way as to increase the amount of the surpluses on revenue account as settled by the scheme for all or any periods (including past periods).

Status: This is the original version (as it was originally enacted).

Recovery by local authority of capital expenditure

- 2 (1) Account shall be kept by the local authority for the period during which a control order is in force showing—
- (a) the surpluses on revenue account as settled by the management scheme, and
 - (b) the expenditure incurred by the authority in carrying out works of which particulars were given in the scheme.
- (2) Balances shall be struck in the account at half-yearly intervals so as to ascertain the amount of expenditure under sub-paragraph (1)(b) which cannot be set off against the said surpluses on revenue account, and (except where the control order is revoked by the sheriff on an appeal against the control order and the account under this section is no longer needed) the final balance shall be struck at the date when the control order ceases to have effect.
- (3) So far as, at the end of any half-yearly period, expenditure is not set off against the said surpluses on revenue account, the expenditure shall, for the purposes of this paragraph, carry interest at such reasonable rate as the local authority may determine until it is so set off or until a demand for such expenditure is served by local authority under section 109(1), as applied by sub-paragraph (6).
- (4) So far as there is any sum out of the said surpluses on revenue account not required to meet any expenditure incurred by the local authority, it shall go to meet interest under sub-paragraph (3).
- (5) Except where the control order is revoked by the sheriff on an appeal against the control order under the following provisions of this Schedule, on and after the time when the control order ceases to have effect the expenditure reasonably incurred by the local authority in carrying out works of which particulars were given in the scheme, together with interest as provided in this paragraph, shall, so far as not set off in accordance with this paragraph against the surpluses on revenue account as settled by the scheme, be recoverable from the dispossessed proprietor.
- (6) Sections 108(6) (exercise of power of local authority to secure repair of house in state of serious disrepair without prejudice to other powers) and 109 (recovery by local authority of expenses) shall, subject to any necessary modifications, apply for the purpose of enabling the local authority to recover from the dispossessed proprietor any expenditure which, by virtue of sub-paragraph (5), is recoverable from him as they apply for the purpose of enabling a local authority to recover expenses incurred by them in executing works under sections 108(3) to (5) and 109(1).
- (7) Sections 111 (appeals) and 112 (date of operation of notices, etc.) shall apply in relation to a demand by the local authority for the recovery of any such expenditure and to an order made by the local authority with respect to any such expenditure as they apply in relation to a demand for the recovery of expenses incurred by a local authority in executing works under section 108(3) to (5) and to an order made by a local authority with respect to an order made by a local authority with respect to any such expenses.
- (8) The local authority may make a charging order in favour of themselves in respect of any such expenditure, and Schedule 9, shall, with any necessary modifications, apply to a charging order so made in like manner as it applies to a charging order made under that Schedule.

- (9) Section 178(2) shall not apply so as to restrict the effect of any charging order made by virtue of sub-paragraph (8) to the part of the house to which a control order is applied.
- (10) For the purposes of this paragraph, references to the provisions of a scheme include references to those provisions as varied under this Schedule and if when the control order ceases to have effect, proceedings under the following provisions of this Schedule are pending which may result in a variation of the scheme, those proceedings may be continued until finally determined; and if any expenditure which, by virtue of sub-paragraph (5), is recoverable from the dispossessed proprietor is recovered from him before the final determination of those proceedings, the local authority shall be liable to account for any money so recovered which, having regard to the decision in the proceedings as finally determined, they ought not to have recovered.