



Housing (Financial Provisions) (Scotland) Act 1972

1972 CHAPTER 46

An Act to introduce a new system of housing subsidies for housing authorities; to provide for rent rebate and rent allowance schemes administered by housing authorities; to make provision as to the housing accounts of local authorities; to amend the law about rents of houses and in particular those subject to the Rent (Scotland) Act 1971 or provided by housing authorities; and to make other provision as to housing finance. [27th July 1972]

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Modifications etc. (not altering text)

- C1 Act amended by Pensioners and [Family Income Supplement Payments Act 1972 \(c. 75\), s. 1\(6\)](#)
- C2 Act repealed, except ss. 69, 78, and 81, and Sch. 9 para. 31 by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

1—68. ^{F1}

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Textual Amendments

- F1 Ss. 1—68, 70—77, 79, 80, [Schs. 1—8, 9](#) paras. 1—30, 32 and [Schs. 10, 11](#) repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

Status: Point in time view as at 28/11/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing (Financial Provisions) (Scotland) Act 1972. (See end of Document for details)

PART VII

MISCELLANEOUS AND GENERAL

Miscellaneous

69 All payments under overspill agreements to be voluntary.

- (1) No payment shall be made by an exporting authority to a receiving authority under subsection (4)(b) of section 9 of the ^{M1}Housing and Town Development (Scotland) Act 1957 for the year 1972–73 or any subsequent year in pursuance of an overspill agreement; but such an agreement whether made before or after this Act comes into force, may provide with the consent of the Secretary of State, for such payment from the exporting authority to the receiving authority as may be specified in the agreement.
- (2) In consequence of subsection (1) above the said section 9 shall have effect for the year 1972-73 and subsequent years as if—
 - (a) subsection (4)(b) were omitted; and
 - (b) for subsection (5) there were substituted the following subsection—
 - “(5) An overspill agreement (whether entered into before or after this Act comes into force) may provide, with the consent of the Secretary of State, for the making by the exporting authority to the receiving authority of such payment as may be specified in the agreement.”.
- (3) Nothing in this section shall affect the continuance of any payment being made in pursuance of subsection (5) of the said section 9 immediately before this Act comes into force.
- (4) A receiving authority may abrogate an overspill agreement entered into before this Act comes into force if the Secretary of State is satisfied, on an application made to him by the receiving authority, that, if they were to implement the agreement, an unduly large burden would fall on the authority’s housing revenue account.

Modifications etc. (not altering text)

C3 The text of 69(2), Sch. 9 paras. 31(1)–(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1957 c. 38.

70— **F2**
77.

Textual Amendments

F2 Ss. 1–68, 70–77, 79, 80, Schs. 1–8, 9 paras. 1–30, 32 and Schs. 10, 11 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

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General

78 Interpretation.

(1) In this Act, unless the context otherwise requires—

“the Act of 1966” means the ^{M2}Housing (Scotland) Act 1966;

“the Act of 1968” means the ^{M3}Housing (Financial Provisions) (Scotland) Act 1968;

“the Act of 1969” means the ^{M4}Housing (Scotland) Act 1969;

“the Act of 1971” means the ^{M5}Rent (Scotland) Act 1971;

“development corporation” has the same meaning as in section 2 of the ^{M6}New Towns (Scotland) Act 1968;

“development corporation house” means a house [^{F3}or any part share thereof] owned by a development corporation and available to them for the purpose of providing rented accommodation and “the number of development corporation houses” for any period means the number of such houses on the relevant date, except that for the purposes of section 8 of this Act for the year 1971–72 it means such number as the Secretary of State deems to be development corporation houses for that year;

“house” has the same meaning as in the Act of 1966, except that it includes any structure made available under section 1 of the ^{M7}Housing (Temporary Accommodation) Act 1944;

“housing association” has the same meaning as in the Act of 1966, except that, subject to sections 58 and 59 of this Act, it does not include the Scottish Special Housing Association or a development corporation or any association which is, or is deemed to be, duly registered under the ^{M8}Industrial and Provident Societies Act 1965 and whose rules restrict membership to persons who are tenants or prospective tenants of the association, and preclude the granting or assigning of tenancies to persons other than members;

“housing authority” means a local authority, a development corporation or the Scottish Special Housing Association;

“land” includes any [^{F4}right] or interest in land;

“local authority” has the meaning assigned to it by section 1 of the Act of 1966;

“overspill agreement”, has the same meaning as in section 9(1) of the ^{M9}Housing and Town Development (Scotland) Act 1957;

“the relevant date” in relation to any period means the date occurring six months after the beginning of that period;

“rental period” means a period in respect of which a payment of rent falls to be made;

“Scottish Special Housing Association house” means a house [^{F3}or any part share thereof] owned by the Scottish Special Housing Association and available to them for the purpose of providing rented accommodation and “the number of Scottish Special Housing Association houses” for any period means the number of such houses on the relevant date;

“a service charge” means any charge referred to in section 32 of this Act;

“standard rent” means, in relation to a local authority, the rent payable in respect of a house [^{F3}or any part share thereof] to which the housing revenue account relates before account is taken of any rent rebate, service charge or supplementary charge and, in relation to a development corporation

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or the Scottish Special Housing Associations, means the rent payable in respect of a development corporation house [^{F3}or any part share thereof] or a Scottish Special Housing Association house [^{F3}or any part share thereof] before account is taken of any rent rebate or any sums payable for services or furniture; and the income receivable from the standard rent of a house [^{F3}or any part share thereof] for any period means the income which would be received for that period if the house [^{F3}or any part share thereof] were let throughout that period and the rent were paid in full;

“supplementary charge” has the meaning assigned to it by section 33(3) of this Act;

“tenant” includes a joint-tenant and a sub-tenant;

“year” means, in relation to a local authority, a financial year within the meaning of section [^{F5}96(5) of the ^{M10}Local Government (Scotland) Act 1973] and, in relation to a development corporation, the Scottish Special Housing Association or a housing association, means a year ending on 31st March;

“the year 1972–73” means the year beginning in 1972 and ending in 1973, and so on.

- (2) In this Act any reference to an amount per house or an amount of income per house or an amount of expenditure per house shall be construed as a reference, in the case of a local authority, to an aggregate amount for a period divided by the number of houses to which the local authority’s housing revenue account relates for that period and, in the case of a development corporation or the Scottish Special Housing Association, as a reference to an aggregate amount for a period divided by the number of development corporation houses or the Scottish Special Housing Association houses for that period.
- (3) In this Act any reference to houses [^{F3}or any part share thereof] to which the housing revenue account relates shall be construed as a reference to houses [^{F3}or any part share thereof] completed and available to a local authority for the purpose of providing rented accommodation [^{F6}(including houses subject to an agreement between a local authority and a housing co-operative under section 5 of the ^{M11}Housing Rents and Subsidies (Scotland) Act 1975)] and in respect of which income and expenditure is to be accounted for in that account in accordance with section 23 of this Act, and any reference to the number of such houses [^{F3}or any part share thereof] for any period shall be construed as a reference to the number of houses [^{F3}or any part share thereof] on the relevant date.
- (4) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended, and as including references thereto as applied, by any other enactment, including any enactment contained in this Act.

Textual Amendments

- F3** Words inserted by [Housing \(Financial Provisions\) \(Scotland\) Act 1978 \(c. 14\), Sch. 2 para. 11](#)
- F4** Word in [s. 78\(1\)](#) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\), ss. 71, 77\(2\), Sch. 12 paras. 32](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F5** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 12 para. 24](#)
- F6** Words inserted by [Housing Rents and Subsidies \(Scotland\) Act 1975 \(c. 28\), Sch. 3 para. 7](#)

Marginal Citations

- M2** [1966 c. 49.](#)
- M3** [1968 c. 31.](#)

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- M4** 1969 c. 34.
- M5** 1971 c. 28.
- M6** 1968 c. 16.
- M7** 1944 c. 36.
- M8** 1965 c. 12.
- M9** 1957 c. 38.
- M10** 1973 c. 65.
- M11** 1975 c. 28.

79, 80. ^{F7}

Textual Amendments

- F7** Ss. 1–68, 70–77, 79, 80, Schs. 1–8, 9 paras. 1–30, 32 and Schs. 10, 11 repealed by [Housing \(Scotland\) Act 1987](#) (c. 26, SIF 61), ss. 335, 339(3), [Sch. 24](#)

81 Citation, commencement and extent.

- (1) This Act may be cited as the Housing (Financial Provisions) (Scotland) Act 1972.
- (2) The Housing (Scotland) Acts 1966 to 1971 and this Act (except Part V) may be cited together as the Housing (Scotland) Acts 1966 to 1972, . . . ^{F8}.
- (3) Except as otherwise expressly provided, this Act shall come into force at the expiration of a period of one month beginning with the date on which it is passed:
Provided that the Secretary of State may by order made by statutory instrument bring any provision of this Act into force, except any provision which expressly provides otherwise, before the expiration of the said period of one month.
- (4) Any reference in any provision of this Act to the coming into force of this Act shall be construed as a reference to the date on which that provision comes into force.
- (5) This Act shall extend to Scotland only.

Textual Amendments

- F8** Words repealed by [Rent \(Scotland\) Act 1984](#) (c. 58, SIF 61), s. 117(2)(3), Sch. 9 para. 6, [Sch. 10](#)

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SCHEDULES

^{F9}SCHEDULES 1—8.

Textual Amendments

F9 Ss. 1–68, 70–77, 79, 80, Schs. 1–8, 9 paras. 1–30, 32 and Schs. 10, 11 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

F9

SCHEDULE 9

Section 79.

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

C4 The text of Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes In Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

1—30. ^{F10}

Textual Amendments

F10 Ss. 1–68, 70–77, 79, 80, Schs. 1–8, 9 paras. 1–30, 32 and Schs. 10, 11 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

THE FIRE PRECAUTIONS ACT 1971 (c. 40)

- 31 (1) In section 34 (modification of Rent Act 1968 and corresponding Scottish Acts), the word “and” shall be omitted and at the end there shall be added the following words “and the provisions of Part IV of that Schedule shall have effect for purposes of the modification in connection with certain provisions of this Act, of sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972”.
- (2) On and after 1st January 1973, in Part III of the Schedule (modifications of Rent (Scotland) Act 1971), in paragraph 1(2)(b) for the words “respectively of sections 20(5) and” there shall be substituted the words “of section”.
- (3) At the end of paragraph 3(1) of the said Part III there shall be added the following—
- “and

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Changes to legislation: There are currently no known outstanding effects for the Housing (Financial Provisions) (Scotland) Act 1972. (See end of Document for details)

- (c) if there are restrictions on rent increases imposed under Schedule 13 to the Act of 1971 or under Schedule 6 to the Housing (Financial Provisions) (Scotland) Act 1972, the provisions of that Schedule shall have effect, in relation to any rental period of that regulated tenancy (whether contractual or statutory) beginning while the registration of that rent continues to have effect, as if the amount to which the rent payable in any statutory period could be increased in accordance with the provisions of that Schedule had been simultaneously increased by the same amount (that is to say, by the amount specified in the order of the sheriff).”

- (4) At the end of the Schedule there shall be added the following—

“PART IV

MODIFICATIONS OF SECTIONS 60 TO 66 OF THE HOUSING (FINANCIAL PROVISIONS)(SCOTLAND) ACT 1972

*Modifications of the said sections 60 to 66 in cases where
rent is increased by virtue of section 28(3)(b) of this Act*

- 1 Where, in the case of any premises consisting of a dwelling-house let on a tenancy to which sections 60 to 66 of the Act of 1972 apply, the rent payable in respect of the premises is increased by an order of the sheriff made by virtue of section 28(3)(b) of this Act and that increase takes effect while a rent for the dwelling-house is registered in pursuance of section 61 of the Act of 1972, being a rent that was so registered before the completion of the alterations or other things falling within Section 28(3) of this Act of which the expense was taken into account by the sheriff in making the order, then the amount of the increase shall be added to the rent limit imposed by section 62(2) of the Act of 1972 and, subject to paragraph 3 below, references to the registered rent in sections 63 to 64 of that Act shall be construed accordingly.
- 2 Where, in the case of any premises consisting of a dwelling-house let on a tenancy to which the said sections 60 to 66 apply, the rent payable in respect of the premises is increased by an order of the sheriff made by virtue of section 28(3)(b) of this Act and that increase takes effect while no rent for the dwelling-house is registered in pursuance of section 61 of the Act of 1972, then the amount of the increase shall be added to the rent limit imposed by section 62(3) of that Act.
- 3 Where, in the case of any premises consisting of a dwelling-house let on a tenancy to which the said sections 60 to 66 apply, the rent is increased by an order of the sheriff made by virtue of section 28(3)(b) of this Act and that increase takes effect when the rent limit is determined under paragraph (a) or (b) of section 63(2), or is the amount specified in a direction by the Secretary of State under section 64(4) of the Act of 1972, then the amount of the increase shall be added to the rent limit so determined or, as the case may be, the amount so specified.

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4 Expressions used in this Part of this Schedule and in Part VI of the Act of 1972 have the same meaning in this Part as in that Part and “the Act of 1972” means the Housing (Financial Provisions)(Scotland) Act 1972.”

32 F11

Textual Amendments

F11 Ss. 1–68, 70–77, 79, 80, Schs. 1–8, 9 paras. 1–30, 32 and Schs. 10, 11 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

F12SCHEDULES 10, 11.

Textual Amendments

F12 Ss. 1–68, 70–77, 79, 80, Schs. 1–8, 9 paras. 1–30, 32 and Schs. 10, 11 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

..... F12

Status:

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Changes to legislation:

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