



Housing (Financial Provisions) (Scotland) Act 1972

1972 CHAPTER 46

PART IV

DETERMINATION OF RENTS AND OTHER CHARGES

27 General provisions as to charges in respect of local authority houses

- (1) Subject to the provisions of this Part of this Act a local authority, in respect of the tenancy or occupation of—
- (a) houses to which the housing revenue account relates, and
 - (b) houses provided by them but to which the housing revenue account does not relate,

may make such reasonable charges as they may determine and shall from time to time review such charges and make such changes either of the charges generally or of particular charges as circumstances may require.

- (2) In determining the standard rent of any house referred to in subsection (1)(a) above, a local authority shall, subject to section 33 of this Act, take no account of the personal circumstances of the tenant of the house.

28 Rents to be charged so as to balance housing revenue account

- (1) Subject to the provisions of this section and the next following section, a local authority shall for any year charge standard rents in such a way that the income receivable from standard rents together with all the other income specified as to be credited to the housing revenue account under Schedule 4 to this Act, except any amount carried to the credit of the housing revenue account under paragraph 1(5) of that Schedule and which is receivable by the local authority equals the amount of expenditure specified as to be debited to that account under that Schedule and which is payable by them.

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- (2) A local authority shall increase or reduce standard rents in such a way that the provisions of subsection (1) above are complied with or, if they will so comply without making any alteration in standard rents, they shall make no such alteration:

Provided that, where, in order to comply with those provisions, the local authority would need to make an increase in standard rents by more than the maximum average rent increase they shall make only the maximum average rent increase.

- (3) Any increase in standard rents after 1st October 1972 shall be made on the date occurring 12 months after the previous increase except—
- (a) where, for the year immediately preceding the year in which the increase is made, the authority have complied with the provisions of section 28(1), or have acted in accordance with section 29(2), of this Act, and
 - (b) where no residual subsidy has been payable to the authority for the year in which the increase is made.
- (4) In this section and in sections 29 and 31 of this Act, " maximum average rent increase " means an increase in standard rents sufficient to produce income receivable for the period of 12 months following the date of the increase which, divided by the number of houses for that period, is £26 greater than the income which would have been so receivable for the period where so divided if no alteration in standard rents had been made.

29 Provisions as to rents in 1972-73 and 1973-74

- (1) Subject to subsection (2) below, a local authority shall charge standard rents in the year 1972-73 and 1973-74 in accordance with the following provisions of this subsection—
- (a) they shall make such increase or increases in standard rents on or before 1st October 1972 that the amount of income per house (for the year 1972-73) receivable by them from standard rents for the period from 1st October 1971 to the end of the year 1972-73 exceeds by not less than £24 the amount of income per house (for the year 1972-73) which would have been so receivable if no alteration in standard rents had been made on or after 1st October 1971;
 - (b) the amount of income per house (for the year 1973-74) receivable by them from standard rents for the year 1973-74 shall exceed by not less than £50 the amount of income per house which would be so receivable for that year if no alteration in standard rents had been made on or after 1st October 1971 ;
 - (c) in 1973-74 they shall increase standard rents by the maximum average rent increase.
- (2) Where a local authority would comply with the provisions of section 28(1) of this Act in the year 1972-73 or 1973-74—
- (a) by increasing standard rents in that year by a lesser amount than the amount by which they are needed to increase standard rents in that year under subsection (1) above, or
 - (b) by reducing standard rents in that year,
- they shall make such alteration in standard rents in that year as is necessary in order to comply with those provisions, and where they would so comply without making any alteration in standard rents in that year, they shall make no such alteration.

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30 Increases in rent of individual houses of housing authorities

- (1) Subject to subsection (2) below, a local authority shall not increase the income receivable from the standard rent of any house by more than £39 in any period of 12 months, except that any such increase made on or before 1st October 1972 shall not exceed, for the year 1972-73, £32 plus, where the amount of income for the year 1972-73 per house produced by the increase or increases in standard rents which the authority are required to make under section 29(1) of this Act exceeds £24, an amount equal to that excess.
- (2) The restrictions on any increase imposed by subsection (1) above shall not apply where a lease is granted to a new tenant of the house or where an improvement has been made in the house.
- (3) In subsection (2) above "improvement" includes structural alteration, extension or addition and the provision of additional fixtures or fittings, but does not include anything done by way of decoration or repair.
- (4) This section shall apply to a development corporation or the Scottish Special Housing Association as it applies to a local authority except that in subsection (1) the words from "plus" to the end shall be omitted.

31 Average standard rents of development corporation and Scottish Special Housing Association houses

- (1) A development corporation or the Scottish Special Housing Association shall not increase standard rents by more than the maximum average rent increase, and shall not make that increase or any other increase in standard rents at less than 12 monthly intervals, except where in the year immediately preceding the year in which any such increase is made they did not make the maximum average rent increase.
- (2) If high cost subsidy is payable to a development corporation or the Scottish Special Housing Association for any year, then the standard rents which they charge for that year shall not exceed an amount which, together with the high cost subsidy payable to them for that year, produces income which is equal to the development corporation rent income or, as the case may be, the Scottish Special Housing Association rent income as respectively defined in section 10 of this Act.

32 Service charges

- (1) A local authority shall be required to make a charge for the year 1972-73 and subsequent years in respect of the following items to which the housing revenue account relates—
 - (a) any garage, car-port or other car parking facilities provided by them, whether before the year 1972-73 or not, in so far as not included within the terms of the tenancy of a house ;
 - (b) any service provided by them under the terms of the tenancy of a house, except any such service as the Secretary of State may, after consultation with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable, otherwise direct either generally or in a particular case.
- (2) Where a local authority made a charge for the year 1971-72 in respect of anything to which the housing revenue account relates—

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- (a) provided by them under section 139 or 141 of the Act of 1966 (other than anything referred to in subsection (1)(a) or (b) above), or
 - (b) supplied by them under section 140 of the Act of 1966,
- and such a thing continues to be made available or supplied by them after that year, they shall continue to impose such a charge.
- (3) Any charge referred to in this section (in this Act called "a service charge") shall be of such amount as the local authority consider reasonable in all the circumstances.

33 Phasing out of supplementary charges

- (1) No local authority shall make a supplementary charge on the tenant of a house to which the housing revenue account relates for the year 1976-77 and subsequent years.
- (2) A local authority shall reduce and terminate any supplementary charge imposed by them before the year 1976-77, subject to the approval of the Secretary of State, in whatever manner they think fit.
- (3) In this Act, " supplementary charge " means, in relation to the tenant of a house, a charge payable under his tenancy supplementary to standard rent which is related to the financial circumstances of the tenant or his household.