



Housing (Financial Provisions) (Scotland) Act 1972

1972 CHAPTER 46

PART V

CONTROLLED AND REGULATED TENANCIES

Miscellaneous

46 Statutory tenants by succession

In Schedule 1 to the Act of 1971 after paragraph 7 there shall be inserted the following paragraph:—

- “7A (1) Where after a succession the successor becomes the tenant of the dwelling-house by the grant to him of another tenancy, " the original tenant" and " the first successor " in this Schedule shall, in relation to that other tenancy, mean the persons who were respectively the original tenant and the first successor at the time of the succession, and accordingly—
- (a) if the successor was the first successor, and immediately before his death he was still the tenant (whether protected or statutory), paragraphs 6 and 7 above shall apply on his death,
 - (b) if the successor was not the first successor, no person shall become a statutory tenant on his death by virtue of this Schedule.
- (2) Sub-paragraph (1) above applies even if—
- (a) a successor enters into more than one other tenancy of the dwelling-house, and
 - (b) both the first successor, and the successor on his death, enter into other tenancies of the dwelling-house.
- (3) This paragraph shall apply—

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- (a) as respects any succession which takes place on or after the date of the coming into force of section 46 of the Housing (Financial Provisions) (Scotland) Act 1972, and
- (b) as respects a succession which took place before that date if the tenancy granted after the succession, or the first of those tenancies, was granted on or after that date.

(4) In this paragraph—

" succession " means the occasion on which a person becomes the statutory tenant of a dwelling-house by virtue of this Schedule and " successor " shall be construed accordingly;

" tenancy " means " regulated tenancy " and " tenancies " shall be construed accordingly."

47 Amendment of section 35 of Act of 1971

Section 35 of the Act of 1971 (regulations) shall have effect as if—

- (a) at the end of subsection (1) there were inserted the following paragraph—
 - “(c) prescribing matters as to which notice is to be given to a tenant of a dwelling-house let on or subject to a regulated tenancy by means of notices inserted in rent books and similar documents and the forms of such notices. and”

(b) at the end there were added the following subsection—

“(3) If any rent book or similar document which does not conform to the prescribed requirements is used by or on behalf of any landlord, the landlord shall be liable to a fine not exceeding £50.”

48 Modifications of Part VI of Act of 1971

Part VI of the Act of 1971 (rent of dwellings in good repair and provided with standard amenities) shall have effect subject to the modifications set out in Schedule 7 to this Act.

49 Amendment of Schedules 6 and 12 to Act of 1971

(1) Schedule 6 to the Act of 1971 (application for registration of rents unsupported by certificate of fair rent) shall have effect as if—

- (a) in paragraphs 1 and 2 for the words " seven days " there were substituted the words " 14 days ";
- (b) after paragraph 3 there were inserted the following paragraph—

“3A Where the rent officer, in carrying out his functions under this Part of this Schedule, inspects a dwelling-house, he shall explain to the tenant or to his spouse, if either is present at the inspection, the procedure upon an application for the registration of a rent under this Part of this Schedule.”

(2) Schedule 12 to the Act of 1971 (applications for registration of rents supported by certificate of fair rent) shall have effect as if in paragraph 7 for the words " 7 days " there were substituted the words " 14 days ".

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50 Interpretation of Part V

In this Part of this Act—

" controlled tenancy " has the same meaning as in section 133(1) of the Act of 1971;

" conversion " and " converted tenancy " have the meanings respectively assigned to them by section 36(1) of this Act;

" prescribed " means prescribed by regulations made by the Secretary of State, and section 35 of the Act of 1971 shall apply to such regulations as it applies to regulations made for the purposes of Part III of that Act;

" protected tenancy " has the same meaning as in section 133(1) of the Act of 1971;

" a rent agreement with a tenant having security of tenure " has the meaning assigned to it by section 42(1) of this Act;

" statutory tenant " and " statutory tenancy " have the same meanings as in section 133(1) of the Act of 1971; and other expressions shall be construed as in Part III and Part IV of the Act of 1971.