



Housing (Financial Provisions) (Scotland) Act 1972

1972 CHAPTER 46

PART VI

HOUSING ASSOCIATIONS

Housing and subsidy agreements

58 Housing agreements

- (1) Any term of a housing agreement relating to rent payable in respect of a house to which the agreement relates or contributions towards the cost of maintaining such a house shall cease to have effect on 1st January 1973.
- (2) In this section " housing agreement" means any of the following, namely—
 - (a) an agreement made between the Secretary of State and a housing association under section 1(1)(d) of the Housing (Scotland) Act 1962 (special arrangements for provision of housing) before this Act comes into force;
 - (b) an agreement for a loan or a grant to a housing association under section 152 of the Act of 1966 (loans and grants to housing associations by local authorities);
 - (c) an agreement made between a local authority and a housing association under section 153 of that Act (arrangements for provision of housing);
 - (d) an agreement made between the Secretary of State and a housing association under section 154 of that Act (arrangements for improvement of housing);
 - (e) an agreement made between a housing association and a local authority under section 155 of that Act (arrangements for improvement of housing);
 - (f) a scheme under section 157 of that Act (unification of conditions affecting housing associations' houses);
 - (g) an agreement made between the Secretary of State and a housing association under section 1(2)(d) of the Act of 1968 (special arrangements for provision of housing) before this Act comes into force ;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (h) an agreement made between the Secretary of State and a housing association under section 23 of the Act of 1968 (advances by Secretary of State for provision of housing accommodation for letting);
 - (i) an agreement for a loan to a housing association by the Housing Corporation under section 2 of the Housing Act 1964.
- (3) Any such term as is mentioned in subsection (1) above included in a housing agreement made under section 152, 153 or 155 of the Act of 1966 after the coming into force of this Act shall be void.
- (4) Subject to subsection (1) above and subsection (5) below, a housing agreement made before the coming into force of this Act shall continue to have effect after this Act comes into force.
- (5) Upon the application of a party to a housing agreement the Secretary of State may, if he thinks fit, direct—
- (a) that the agreement shall have effect with such variations, determined by him or agreed by the parties, as may be specified in the direction ; or
 - (b) that the agreement shall be terminated ;
- but no variation shall be directed which would have the effect of including in an agreement any term such as is mentioned in subsection (1) above.

59 Subsidy agreements

- (1) Where an agreement in pursuance of which payments are to be made under or by reference to any of the enactments described in Parts IV and VI of Schedule 1 to this Act (hereafter referred to as a "subsidy agreement") has been made between a local authority and a housing association, the prohibition on the making of payments under or by reference to such an enactment contained in paragraph 1 of Schedule 8 to this Act shall be construed, subject to subsection (2) below, as extending only to the payment of amounts which the authority are obliged to pay by the relevant enactment; and accordingly, where such an agreement provides for the payment of greater amounts, the authority shall continue to pay to the housing association sums equal to the difference between the amounts for the payment of which the agreement provides and the amount which they are obliged to pay by that enactment.
- (2) Upon the application of a party to a subsidy agreement, the Secretary of State may, if he thinks fit, direct—
- (a) that the agreement shall have effect with such variations, determined by him or agreed by the parties, as may be specified in the direction ; or
 - (b) that the agreement shall be terminated;
- but no variation shall be directed which would have the effect of including in an agreement any term such as is mentioned in section 58(1) above.