



Housing (Financial Provisions) (Scotland) Act 1972

1972 CHAPTER 46

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 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.

70 Termination of certain existing exchequer contributions and related provisions

Schedule 8 to this Act shall have effect as to—

- (a) the termination, for the year 1972-73 and subsequent years, of payments under the enactments described in Schedule 1 to this Act, and
- (b) the termination or modification of certain other provisions about assistance for housing authorities or other persons providing housing accommodation.

71 Financial assistance towards tenants' removal expenses

- (1) A local authority for the purposes of Part VII of the Act of 1966 shall, in the performance of the functions of management of houses conferred on them by section 149(1) of that Act, have power, subject to subsections (2) and (3) below, in every case where a tenant of a house to which the housing revenue account relates moves to another house, whether or not that other house is also owned by the local authority—
 - (a) to pay any expenses of the removal ;
 - (b) where the tenant is purchasing the house, to pay any expenses incurred by him in connection with the purchase other than the purchase price.
- (2) Paragraph (b) of subsection (1) above shall only apply in a case where a tenant of a house to which the housing revenue account relates moves to another house of the local authority if that house has never been let.
- (3) A local authority may make their payment of expenses in connection with the purchase of a house subject to such conditions as they think fit.
- (4) Nothing in this section shall affect the operation of section 160 of the Act of 1966 (which gives a local authority power in certain circumstances to pay reasonable allowances to persons displaced from buildings).

72 Default by local authority

Section 195 of the Act of 1966 (default powers of Secretary of State in relation to rents) shall have effect as if—

- (a) In subsection (1) for the words from "there has" to " this Act" there were substituted the words

“a local authority—

- (a) have failed effectively to discharge any of their functions under Part II, III or IV of the Housing (Financial Provisions) (Scotland) Act 1972 ; or
- (b) have failed so to discharge any function conferred on them by that Act or any other enactment as to secure the effective discharge of any of their functions under those Parts of that Act;”

- (b) after subsection (4) there were inserted the following subsections—

“(4A) Without prejudice to subsection (4) above, where a local authority have failed to comply with any requirement of—

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

- (a) a default order within the time specified therein, being a default order in which the Secretary of State has declared the local authority to be in default in respect of a failure such as is mentioned in subsection (1) of this section, but has not directed them to comply with a rents scheme, or
- (b) a rents scheme to which they have been directed under this section (whether in a default order or in a supplementary order),

the Secretary of State may make an order rendering exercisable by him such functions of the local authority under Part II, III or IV of the Housing (Financial Provisions) (Scotland) Act 1972 as are specified in the order and such other functions of the local authority as the Secretary of State considers necessary or expedient for the performance of those functions and as are so specified, and he may direct that the authority shall not during such time as the order is in force perform any function conferred by the order on him.

(4B) Section 194 of this Act shall apply for the purposes of subsection (4A) above as it applies for the purposes of section 193 of this Act.

(4C) It shall be the duty of a local authority, any of whose functions the Secretary of State is exercising by virtue of an order under subsection (4A) above, and any officer or servant of such an authority, to take all reasonable steps to facilitate the performance of those functions by the Secretary of State.”

- (c) after subsection (5) there were inserted the following subsection—

“(5A) The Secretary of State may—

- (a) in a default order in which he has not directed a local authority to comply with a rents scheme made under this section, or
- (b) in a default order or supplementary order in which he has so directed the local authority, or
- (c) in an order under subsection (4A) above,

require the local authority or, as the case may be, empower himself to treat during such period as may be specified in the order any provision of the Housing (Financial Provisions) (Scotland) Act 1972 so specified—

- (i) as having effect with such exceptions, adaptations and modifications as may be so specified,
- (ii) as not having effect.”

73 Power of Secretary of State to reduce, suspend or discontinue housing subsidies

Section 58 of the Act of 1968 shall have effect as if—

- (a) in subsection (1) at the end there were added the words " ; and he may, in the circumstances mentioned in paragraph (aa) or (c) of subsection (3) of this section reduce the amount of any subsidy payable under Part I of the Housing (Financial Provisions) (Scotland) Act 1972 or suspend or discontinue the payment of such subsidy or part thereof. " ;
- (b) in subsection (3) after paragraph (a) there were inserted the following paragraph—

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

- “(aa) that the subsidy falls to be paid to a local authority and the Secretary of State is satisfied that the authority have failed to discharge any of their functions under Part II, III or IV of the Housing (Financial Provisions) (Scotland) Act 1972 ;”;
- (c) in subsection (3)(c) after the word " made " there were inserted the words " or the subsidy falls to be paid ".

74 Application of receipts from disposal of certain land

Notwithstanding section 168 of the Local Government (Scotland) Act 1947, any money received by a local authority from the disposal of land, being land in respect of which income and expenditure is accounted for in the housing revenue account or the slum clearance revenue account, shall be applied, except where the Secretary of State otherwise approves, for a purpose for which the land which was the subject of the transaction was held.

75 Adjustment of accounts on appropriation of land

- (1) Where after the coming into force of this section land is appropriated by a local authority for the purposes of Part II or Part VII of the Act of 1966 or Part I of the Act of 1969, or on the discontinuance of use for that purpose, such adjustment shall be made in the accounts of the local authority as the Secretary of State may direct.
- (2) Any direction under this section may be either a general direction or a direction for any particular case.
- (3) Where this section applies, section 25 of the Town and Country Planning (Scotland) Act 1959 (which also relates to the adjustment of accounts on appropriation of land) shall not apply.

76 Tenancies at a rent unalterable over a long period

- (1) This section applies to a tenancy of any of the houses to which a local authority's housing revenue account relates (including a tenancy granted before the coming into force of this Act) other than—
 - (a) a house for the time being subject to a weekly or other periodical tenancy,
 - (b) a house for the time being subject to a tenancy granted, by the authority or any predecessor in title, before 1st August 1971,
 - (c) a house which, whether before the coming into force of this Act or later, was acquired by the authority from a person other than another local authority, which when acquired was regarded by the authority as only likely to be available for use as a house for a period not exceeding ten years and which is for the time being subject to a tenancy which was granted before it was so acquired, or
 - (d) a house for the time being excluded from this section by a direction of the Secretary of State subject to such conditions, if any, and for such period, as may be specified in the direction, being a general direction, or a direction given on the application of an authority for a particular case,
 if, apart from this section, the authority would not have the rights conferred by subsection (2) of this section.

- (2) It shall be an implied term of the tenancy that the authority may increase the rent payable under the tenancy with effect from the beginning of any rental period by a notice given to the tenant not less than four weeks before the beginning of the rental period (or any earlier day on which the payment of rent in respect of that period falls to be made).

Where in accordance with this section a term is to be so implied for the benefit of the landlord, it shall also be an implied term of the tenancy that the tenant may terminate the tenancy with effect from the beginning of any rental period by a notice given not later than two weeks before the beginning of that rental period.

- (3) Where an authority give a notice of increase under subsection (2) above for the beginning of a rental period and the tenancy continues into that period, the notice shall nevertheless not have effect if the tenancy is terminated by notice given by the tenant in accordance with the provisions express or implied of the tenancy, and—
- (a) the notice to terminate the tenancy is given before the end of the period of two weeks following the date on which the notice of increase is given, or such longer period as may be allowed by the notice of increase, and
 - (b) the date on which the tenancy is made to terminate is not later than the earliest day on which the tenancy could be terminated by a notice given by the tenant on the last day of that period.
- (4) An authority's notice of increase under subsection (2) above shall not be valid unless it tells the tenant of his right to terminate the tenancy and of the steps to be taken by him if he wishes to do so, and it also gives him the dates by which, if the increase is not to be effective, the notice to terminate the tenancy must be received by the authority and the tenancy be made to terminate.
- (5) If any rental period exceeds six weeks, this section shall apply as if references to the beginning of the rental period included references to the beginning of the second or any subsequent week in the rental period.

77 Amendment of sections 1 and 86 of Act of 1971

- (1) Section 1(1) of the Act of 1971 (protected tenancies) shall have effect as if for paragraph (a) there were substituted the following paragraph—
- “(a) the rateable value of the dwelling-house on the appropriate day exceeded or, as the case may be, exceeds £200 ; or”.
- (2) Section 86(1) (dwelling-houses to which Part VII of that Act applies) shall have effect as if for the words from " which has " to the end there were substituted the words " the rateable value of which on the appropriate day did not or, as the case may be, does not exceed £200 ".