

SCHEDULES

SCHEDULE 9

Section 79.

MINOR AND CONSEQUENTIAL AMENDMENTS

THE LOCAL GOVERNMENT (SCOTLAND) ACT 1947 (C. 43)

- 1 In Schedule 6 (enactments for purposes of which money may be borrowed by local authorities repayable within periods other than 30 years) in column 1 of paragraph 14 for the words " 1925 to 1946 " there shall be substituted the words " 1966 to 1972. "

THE LOCAL GOVERNMENT (FINANCIAL PROVISIONS) (SCOTLAND) ACT 1963 (C. 12)

- 2 In section 3 (reduction of rate support grants in respect of low rent income)—
- (a) in subsection (3), in paragraph (a) for the words from "under paragraph (a)" to "received" there shall be substituted the words " under paragraphs 1(a) and (b), 1(2) and 1(4) of Schedule 4 to the Housing (Financial Provisions) (Scotland) Act 1972 less any rent rebates payable by them for that year under a rebate scheme ; " and in the proviso for the words from " in pursuance " to the end there shall be substituted the words " under a rebate scheme. ";
 - (b) in subsection (4), for paragraphs (c) and (d) there shall be substituted the following paragraph—
 - “(c) the expression ' rebate scheme ' has the same meaning as in section 15 of the Housing (Financial Provisions) (Scotland) Act 1972 ;”.

THE LOCAL GOVERNMENT (DEVELOPMENT AND FINANCE) (SCOTLAND) ACT 1964 (C. 67)

- 3 In section 9 (local authorities' capital funds) after subsection (2) there shall be inserted the following subsection—
- “(2A) Except with the consent of the Secretary of State, money received from the disposal of any property to which the local authority's housing revenue account relates shall not be paid into any such capital fund”.

THE MINISTRY OF SOCIAL SECURITY ACT 1966 (c. 20)

- 4 In section 16 of the Ministry of Social Security Act 1966 (prevention of duplication of payments) after subsection (2) there shall be inserted—
- “(2B) Where, in determining the amount of any benefit, the requirements of any person have been taken into account for the whole or part of a period in respect of which rebate or allowance under Part II of the Housing (Financial Provisions) (Scotland) Act 1972 might be afforded to him, and before the

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whole or part of it has been afforded, the authority are notified by the Commission of the amount by which the amounts paid under this Act exceed what the Commission have determined they would have been had the rebate or allowance been afforded before the amount of the benefit was determined, the amount of the rebate or allowance to be afforded shall be reduced by the amount so notified.”

Supplementary benefit: rent brought into calculation of requirements

5 At the end of paragraph 13 of Schedule 2 to the Ministry of Social Security Act 1966 (supplementary benefit: the rent to be included in calculation of requirements) there shall be added the following sub-paragraph:—

“(4A) Where any amount of the rent or rates is met by a rebate or allowance under Part II of the Housing (Financial Provisions) (Scotland) Act 1972, or by any rate rebate, the amount so met shall be deducted from the increase to be made under sub-paragraph (1)(a) of this paragraph.”

6 (1) The provisions of this paragraph have effect as respect the exercise of the power under sub-paragraph (1)(a) of paragraph 13 of Schedule 2 to the Ministry of Social Security Act 1966 to take account of part only of the net rent payable (reduced where appropriate under sub-paragraph (2) of that paragraph) for any period for which a rent rebate or rent allowance is made to a person in receipt of supplementary benefit, or to a person whose requirements are aggregated with his under paragraph 3(1) of the said Schedule 2.

(2) The said power shall not be exercisable—

- (a) subject to sub-paragraph (3) below, on the ground that the rent is an excessive rent for the house, or
- (b) subject to sub-paragraph (4) below, on the ground that the rent is excessive because of the size, location or character of the house, or
- (c) on the ground that the rent is excessive having regard to the resources of the tenant and of any person whose requirements are aggregated with his under the said paragraph 3(1).

(3) Sub-paragraph (2)(a) above shall not apply to rent disregarded in pursuance of paragraph 15 of Schedule 3 to this Act.

(4) Sub-paragraph (2)(b) above—

- (a) shall not apply where a rent allowance is granted for the period and a reduction falls to be made under sub-paragraph (2) of paragraph 13 of Schedule 2 to the Ministry of Social Security Act 1966 (adjustment for non-dependants sharing the accommodation), and
- (b) where rent is reduced under paragraph 17 of Schedule 2 to this Act, shall only apply to the amount of the rent after the reduction.

(5) The preceding provisions of this paragraph shall not apply where the rebate or allowance has been restricted under paragraph 14 of Schedule 2 to this Act.

(6) Regulations under section 5 of the Ministry of Social Security Act 1966 may vary the provisions of this paragraph as if they were contained in Part II of Schedule 2 to that Act.

(7) This paragraph shall not affect the provisions of the said sub-paragraph (1)(a) so far as they relate to any amount which is not rent for the purposes of Part II of this Act.

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THE HOUSING (SCOTLAND) ACT 1966 (c. 49)

- 7 In section 145 (powers of dealing with land acquired or appropriated for purposes of Part VII), for subsection (6) there shall be substituted the following subsection—
- “(6) Notwithstanding anything in section 27(1) of the Town and Country Planning (Scotland) Act 1959 (power of local and other public authority to dispose of land without consent of a Minister), a local authority shall not, in the exercise of their powers under subsection (1)(d) of this section, sell or lease any house to which the housing revenue account, kept under section 23 of the Housing (Financial Provisions) (Scotland) Act 1972, relates, except with the consent of the Secretary of State ; and, in giving his consent to such transactions as are referred to in this subsection, the Secretary of State may make general directions or a direction related to a specific transaction.”
- 8 In section 146 (power of Secretary of State in certain cases to impose conditions on sale of local authority's houses) for the words " 60 of the Housing (Financial Provisions) (Scotland) Act 1968" there shall be substituted the words " 23 of the Housing (Financial Provisions) (Scotland) Act 1972 ".
- 9 In section 151 (conditions to be observed in management of local authority's houses)—
- (a) in subsection (1) for the words " 60 of the Housing (Financial Provisions) (Scotland) Act 1968 " there shall be substituted the words " 23 of the Housing (Financial Provisions) (Scotland) Act 1972 ";
- (b) in subsection (3), paragraphs (a) and (b) shall cease to have effect.
- 10 In section 175 (compulsory purchase of land by Scottish Special Housing Association), in subsection (1)(a) for the words from " in the circumstances" to " 1968" there shall be substituted the words " under the terms of an agreement between them and the Secretary of State ".
- 11 In section 195 (default powers of Secretary of State in relation to rents)—
- (a) for subsection (3)(b) there shall be substituted the following paragraph—
- “(b) for ensuring compliance by the local authority with the requirements of Part II of the Housing (Financial Provisions) (Scotland) Act 1972 ;”;
- (b) in subsection (5) the words " subject to subsection (6) of this section " shall cease to have effect, and for the words " subsections (4) or (5) of section 151 of this Act" there shall be substituted the words " section 27 of the Housing (Financial Provisions) (Scotland) Act 1972. ";
- (c) subsection (6) shall cease to have effect.
- (d) in subsection (7), after the words "supplementary order" there shall be inserted the words " or an order under subsection (4A) above ", and at the end there shall be added the words " and the provisions which may be included in an order by virtue of that section shall include any matters connected with the coming into force of such an order or its termination ";
- (e) after subsection (7) there shall be added the following subsection—
- “(8) Section 356(1) of the Local Government (Scotland) Act 1947 shall have effect for the purposes of this section as if for -the words from 'have failed' to 'statutory order' there were substituted the words— ' (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

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- (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;”.

THE LOCAL GOVERNMENT (SCOTLAND) ACT 1966 (c. 51)

- 12 In section 2 (rate support grants) in the definition of " housing subsidies " in subsection (6) for the words " the provision of housing accommodation " there shall be substituted the word " housing ".
- 13 In section 46(1) (general interpretation) in the definition of " housing revenue account" for the words " 137 of the Housing (Scotland) Act 1950" there shall be substituted the words " 23 of the Housing (Financial Provisions) (Scotland) Act 1972 ".
- 14 In Schedule 1 (rate support grants), in paragraph 4(2) of Part II after the word " 1963 " there shall be inserted the words " as amended by paragraph 2 of Schedule 9 to the Housing (Financial Provisions) (Scotland) Act 1972 ".

THE HOUSING (FINANCIAL PROVISIONS) (SCOTLAND) ACT 1968 (C. 31)

- 15 In section 21 (exchequer contributions for hostels), in subsection (4) the words from " Section 12(2)" to the end shall cease to have effect and at the end of the section there shall be inserted the following subsection—
- “(5) Any reference in subsection (4) of this section to a house shall be construed as including a reference to any residential accommodation provided for occupation by not more than two persons and equipped with cooking facilities for the exclusive use of those persons, notwithstanding that it is not equipped with facilities of other kinds for such exclusive use.
- In this subsection the expression "cooking faculties" in relation to any residential accommodation means facilities suitable for the preparation of food for the number of persons for which the accommodation is provided, and if any question arises whether any particular facilities fall within that description it shall be decided by the Secretary of State”.
- 16 In section 25 (advances to Scottish Special Housing Association) for subsection (6) there shall be substituted the following subsection—
- “(6) Any reference in this section to a house shall be construed as including a reference to any residential accommodation provided for occupation by not more than two persons and equipped with cooking facilities for the exclusive use of those persons, notwithstanding that it is not equipped with facilities of other kinds for such exclusive use.
- In this subsection the expression " cooking faculties" in relation to any residential accommodation means facilities suitable for the preparation of food for the number of persons for which the accommodation is provided, and if any question arises whether any particular facilities fall within that description it shall be decided by the Secretary of State.”
- 17 In section 27 (power of local authorities to make improvement grants)—

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- (a) in subsection (7) after the word " and " there shall be inserted the words " subject to subsection (7A) of this section " and at the end there shall be added the following paragraph:—
“(f) section 57 of the Housing (Financial Provisions) (Scotland) Act 1972”;
- (b) after subsection (7) there shall be inserted the following subsection—
“(7A) A local authority may approve an application for an improvement grant in respect of a dwelling where a grant has been made in respect of that dwelling under any of the enactments referred to in subsection (7) of this section other than paragraph (f) of that subsection (in this subsection referred to as " the earlier grant ") if—
(a) any conditions applied to the dwelling or relating to the payment of the earlier grant have ceased to apply, or
(b) the earlier grant has for any reason been fully repaid.”
- 18 In section 29 (amount of improvement grants and payment thereof) in the provisos (i) and (ii) to subsection (1) and in subsection (2), after the words " under paragraph (b) thereof " there shall be inserted the words " or specified in or prescribed under paragraph (bb) thereof. "
- 19 In section 40 (duty of local authorities to make standard grants), at the end there shall be added the following subsection:—
“(7) An application under this section shall not be approved if it relates to a dwelling in respect of which improvement subsidy is payable under section 57 of the Housing (Financial Provisions) (Scotland) Act 1972”.
- 20 In section 58 (power of Secretary of State to reduce, suspend, discontinue or transfer particular exchequer contributions)—
(a) in subsection (5)—
(i) before the definition of " the subsidised unit " there shall be inserted the following definition—
“" recipient authority " means a local authority, a development corporation, a housing association or the Scottish Special Housing Association,”
(ii) the words from " and the provisions " to the end shall cease to have effect;
- (b) after subsection (5) there shall be added the following subsection—
“(6) References in this section to
(a) authorised arrangements made with a local authority, in relation to a development corporation or a housing association, are references to arrangements made between the development corporation or a housing association and a local authority, with the approval of the Secretary of State, under section 153 of the principal Act;
(b) special arrangements made by a housing association with the Secretary of State are references to arrangements which the Secretary of State may have made with a housing association for the provision of houses with a view to their approval under this Act or any Act passed

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before the Housing (Financial Provisions etc.) (Scotland) Act 1967.”

- 21 In Schedule 3 (conditions to be observed with respect to dwellings provided or improved with the help of improvement grants or standard grants), paragraphs 3 and 7 shall cease to have effect.

THE RENT (SCOTLAND) ACT 1971 (c. 28)

- 22 In section 5(5) (conditions for a housing association tenancy to be excluded from the Act of 1971), at the end there shall be added the following paragraph—

“(f) that the dwelling-house was comprised in a scheme approved for the purposes of section 55 or section 57 of the Housing (Financial Provisions) (Scotland) Act 1972.”

- 23 In section 21(2)(b) (limit of rent during statutory periods), after the word "below" there shall be inserted the words " and section 37 of the Housing (Financial Provisions) (Scotland) Act 1972 ".

- 24 In section 46 (regulations), in subsection (2) for the words " 44 or 45 " there shall be substituted the words " or 44 " but this paragraph shall not come into force until 1st January 1973.

- 25 In section 85 (contracts), at the end of subsection (3) there shall be added the following paragraph:—

“(d) to a contract which creates a controlled tenancy if that tenancy subsequently becomes a converted tenancy within the meaning of section 36(1) of the Housing (Financial Provisions) (Scotland) Act 1972.”

- 26 In section 88(1) (power of rent tribunals on reference of contracts), for the words " 60 of the Housing (Financial Provisions) (Scotland) Act 1968" there shall be substituted the words " 23 of the Housing (Financial Provisions) (Scotland) Act 1972 ".

- 27 In section 125 (powers of local authorities for the purposes of giving information), in subsection (1)(a) for the words "and under the provisions of this Act" there shall be substituted the words " under the provisions of this Act and Part V and sections 60 to 67 of the Housing (Financial Provisions) (Scotland) Act 1972 ".

- 28 At the end of Schedule 6 (applications for registration of rent for regulated tenancies) there shall be added the following—

“PART III

SUPPLEMENTAL

- 15 There shall be included among the matters with respect to which representations may be made or consultations are to be held or notices to be given under Parts I and II of this Schedule, any amount to be noted in the register in pursuance of section 43(1A) of this Act.”

- 29 At the end of Schedule 7 (certificates of fair rent) there shall be added the following paragraph—

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“10 Where the rent specified in a certificate of fair rent includes any amount which, if the rent specified in the certificate had been registered, would require to be noted on the register in pursuance of section 43(1A) of this Act, that amount shall be noted on the certificate ; and there shall be included among the matters with respect to which representations may be made or consultations are to be held or notices to be given under this Schedule, any amount to be noted on the certificate in pursuance of this paragraph.”

30 At the end of Part II of Schedule 12 (applications for registration of rent for converted tenancies) there shall be added the following—

“Supplemental

15 There shall be included among the matters with respect to which representations may be made or consultations are to be held or notices to be given under this Part of this Schedule, any amount to be noted in the register in pursuance of section 43(1A) of this Act.”

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

(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—

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“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 dwellinghouse let on a tenancy to which the said sections 60 to 66 apply 9 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.
- 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.”

The Sheriff Courts (Scotland) Act 1971 (c. 58)

- 32 In Schedule 1 (minor and consequential amendments) for paragraph 4 there shall be substituted the following paragraph—

“The Rent (Scotland) Act 1971

- 4 In subsection (1) of section 123 (applications and appeals to sheriff), for the words from 'conducted' to the end there shall be substituted the words

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'made by way of a summary cause within the meaning of the Sheriff Courts (Scotland) Act 1971' .”