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## SCHEDULES

### SCHEDULE 1

Sections 2, 8 and 52.

#### ENACTMENTS RELATING TO EXISTING CONTRIBUTION SYSTEM

#### PART I

#### *Payments to Local Authorities*

| <i>Chapter</i> | <i>Act</i>   | <i>Section</i>   |
|----------------|--|--|
| 1919 c. 60.    | The Housing, Town Planning, etc. (Scotland) Act 1919.      | Section 5 so far as the payments thereunder relate to houses to which the housing revenue account relates.   |
| 1923 c. 24.    | The Housing, etc. Act 1923.                                | Section 1.   |
| 1924 c. 35.    | The Housing (Financial Provisions) Act 1924.               | Section 2 as originally enacted and as amended by section 1 of the Housing (Financial Provisions) (Scotland) Act 1933 and so far as the payments thereunder relate to houses to which the housing revenue account relates. |
| 1930 c. 40.    | The Housing (Scotland) Act 1930.                           | Section 23 as originally enacted and as amended by section 32 of the Housing (Scotland) Act 1935.  |
| 1931 c. 39.    | The Housing (Rural Authorities) Act 1931.                  | Section 1.   |
| 1935 c. 41.    | The Housing (Scotland) Act 1935.                           | Section 30.  |
| 1938 c. 38.    | The Housing (Agricultural Population) (Scotland) Act 1938. | Section 1.   |
| 1938 c. 3.     | The Housing (Financial Provisions) (Scotland) Act 1938.    | Section 1.   |
| 1950 c. 34.    | The Housing (Scotland) Act 1950.                           | Section 84 as originally enacted and as amended  |

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| <i>Chapter</i> | <i>Act</i>  | <i>Section</i>   |
|----------------|---|--|
|                |   | by sections 1 and 2 of the Housing (Scotland) Act 1952.  |
|                |   | Section 85 as originally enacted and as amended by section 5 of the Housing (Scotland) Act 1952.   |
|                |   | Sections 86, 88 and 91.  |
| 1957 c. 38.    | The Housing and Town Development (Scotland) Act 1957.   | Sections 2, 3 and 4.   |
| 1962 c. 28.    | The Housing (Scotland) Act 1962.                        | Sections 1 to 7.   |
| 1968 c. 31.    | The Housing (Financial Provisions) (Scotland) Act 1968. | Sections 2, 4 to 10, 22(1) (a) and 58(4) so far as the payments made under section 58(4) were originally made under any of the other enactments referred to in this Part of this Schedule. |

## PART II

### *Payments to Development Corporations*

| <i>Chapter</i> | <i>Act</i>  | <i>Section</i>   |
|----------------|---|--|
| 1950 c. 34.    | The Housing (Scotland) Act 1950.                        | Section 87(3).   |
| 1957 c. 38.    | The Housing and Town Development (Scotland) Act 1957.   | Sections 2(2)(f), 3 and 4.   |
| 1962 c. 28.    | The Housing (Scotland) Act 1962.                        | Sections 1, 2(1)(c) and 2(2) (b). Sections 4 to 7.   |
| 1968 c. 31.    | The Housing (Financial Provisions) (Scotland) Act 1968. | Sections 2, 4, 6, 7, 9, 10 and 58(4) so far as the payments made under section 58(4) were originally made under any of the other enactments referred to in this Part of this Schedule. |

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### PART III

#### *Payments from Secretary of State to the Scottish Special Housing Association*

| <i>Chapter</i> | <i>Act</i>  | <i>Section</i>  |
|----------------|---|---|
| 1938 c. 3.     | The Housing (Financial Provisions) (Scotland) Act 1938. | Section 2.  |
| 1950 c. 34.    | The Housing (Scotland) Act 1950.                        | Section 93.   |
| 1957 c. 38.    | The Housing and Town Development (Scotland) Act 1957.   | Section 23.   |
| 1962 c. 28.    | The Housing (Scotland) Act 1962.                        | Sections 1, 2(1)(d).<br>Sections 5, 6, 7.   |
| 1968 c. 31.    | The Housing (Financial Provisions) (Scotland) Act 1968. | Sections 2, 4, 6, 7, 10, 26 and 58(4) so far as the payments made under section 58(4) were originally made under any of the other enactments referred to in this Part of this Schedule. |

### PART IV

#### *Local authority grants to the Scottish Special Housing Association linked with payments by Secretary of State*

| <i>Chapter</i> | <i>Act</i>                       | <i>Section</i> |
|----------------|----------------------------------|----------------|
| 1935 c. 41.    | The Housing (Scotland) Act 1935. | Section 26.    |

### PART V

#### *Payments from Secretary of State to Housing Associations*

| <i>Chapter</i> | <i>Act</i>  | <i>Section</i> |
|----------------|---|----------------|
| 1919 c. 60.    | The Housing, Town Planning etc. (Scotland) Act 1919.    | Section 16.    |
| 1938 c. 3.     | The Housing (Financial Provisions) (Scotland) Act 1938. | Section 2.     |

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| <i>Chapter</i> | <i>Act</i>                       | <i>Section</i>    |
|----------------|----------------------------------|-------------------|
| 1962 c. 28.    | The Housing (Scotland) Act 1962. | Sections 1 and 2. |

## PART VI

### *Local Authority Grants to Housing Associations linked with Payments by Secretary of State*

| <i>Chapter</i> | <i>Act</i>  | <i>Section</i>   |
|----------------|---|--|
| 1924 c. 35.    | The Housing (Financial Provisions) Act 1924.            | Section 2 so far as the payments thereunder relate to houses provided by housing associations. |
| 1935 c. 41.    | The Housing (Scotland) Act 1935.                        | Section 26.  |
| 1950 c. 34.    | The Housing (Scotland) Act 1950.                        | Section 87(1).   |
| 1957 c. 38.    | The Housing and Town Development (Scotland) Act 1957.   | Sections 2, 3 and 4.   |
| 1962 c. 28.    | The Housing (Scotland) Act 1962.                        | Sections 2, 4, 5, 6 and 7.   |
| 1968 c. 31.    | The Housing (Financial Provisions) (Scotland) Act 1968. | Sections 2, 4, 6, 7, 9 and 10.   |

## SCHEDULE 2

Section 17.

### COMPUTATION OF REBATES AND ALLOWANCES

## PART I

### GENERAL

#### *Introductory*

- 1 (1) The rebate or allowance to which a tenant is entitled under a scheme shall be a weekly amount calculated in accordance with this Schedule by reference to—
- (a) an amount to be allowed for the needs of the tenant and of any spouse of the tenant or dependent child of the tenant or his spouse (" the needs allowance ");
  - (b) the income of the tenant and of any such spouse ;
  - (c) the amount of the rent;
  - (d) a minimum weekly rent;

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- (e) a minimum and maximum rebate or allowance ;
    - (f) amounts to be deducted for non-dependants.
  - (2) The amounts listed in sub-paragraph (1) above (other than the amount of the rent) shall be ascertained in accordance with this Schedule.
  - (3) A scheme shall not apply to rent payable in respect of any part of a rental period before the date on which the scheme is made or, if it is expressed to come into force after that date, before the date on which it is expressed to come into force.
  - (4) No person shall be entitled to benefit under more than one scheme.
- 2 In this Schedule—
- " dependent child " means a person who resides in the house occupied by the tenant and whose requirements are provided for, in whole or in part, by the tenant or his spouse and who is either under the age of sixteen or of or over that age but receiving full-time instruction at any university, college or other educational establishment;
  - " full-time instruction at an educational establishment " includes a reference to a person undergoing training for any trade, profession or vocation in such circumstances that he is required to devote the whole of his time to the training for a period of not less than two years ;
  - " married couple " includes a man and a woman who lives with him as his wife, but does not include a man and wife who are living apart, and " wife " and, subject to paragraph 9(2)(j) below, " spouse " shall be construed accordingly;
  - " non-dependant " means, in relation to a tenant, any person who resides in the house occupied by the tenant, other than the tenant himself, except a spouse of the tenant and a dependent child of the tenant or his spouse.
- 3
- (1) Where any sum which is payable or calculated otherwise than as a weekly amount falls to be taken into account for the purposes of this Schedule, it shall be converted into the weekly amount which represents it, and that amount shall be treated as the relevant amount for those purposes ; and accordingly in this Schedule references to " weekly rent " and " weekly income " are references to the amount which represents the rent or the income as so converted.
  - (2) Where an authority for administrative convenience arrange for the year's rent to be paid irregularly, or so that no rent is payable for or collected in certain periods, or so that rent for different periods in the year is of different amounts, the provisions of this Schedule shall be applied, and all calculations shall be made, by reference to the rent which would have been paid if the arrangements had not been made.
- 4
- (1) An authority may treat as a sole tenant for the purposes of this Schedule one of two or more joint tenants, and in that case, subject to sub-paragraph (2) below, every joint tenant who resides in the tenant's house and is not so treated shall be treated as a non-dependant for those purposes.
  - (2) Neither the spouse nor a dependent child of a tenant shall be treated as a non-dependant by virtue of sub-paragraph (1) above.
- 5
- (1) If some person who resides in the house occupied by the tenant appears to an authority to have a higher income than the tenant and the authority have grounds for considering that in the special circumstances of the case it would be reasonable to make their calculations under this Schedule by reference to the income of that other

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person and not of the tenant, they may treat that other person as the tenant and make such payments of rebate or allowance (if any) as ought to be made on that basis.

(2) Where an authority exercise the power conferred on them by sub-paragraph (1) above, the tenant shall be treated as a non-dependant for the purposes of this Schedule, but neither the spouse nor a dependent child of the person who is treated as the tenant shall be treated as a non-dependant for those purposes.

6 In the following provisions of this Schedule "tenant" includes a person treated as a tenant under paragraph 4 or 5 above or paragraph 1 of Schedule 3 below.

7 Any question whether a person is a sub-tenant of the tenant or a non-dependant shall be determined, for the purposes of any scheme, by the authority who made the scheme.

*Needs allowance*

8 (1) Subject to sub-paragraph (2) below, the needs allowance for each week is—

|  |        |
|--|--------|
| (a) for an individual person who has no dependent      | £10.50 |
| (b) for a married couple                               | £14.75 |
| (c) for an individual person who has a dependent child | £14.75 |
| (d) for each dependent child of a tenant or his spouse | £2.75  |

(2) The needs allowance for each week is—

|  |        |
|--|--------|
| (a) for an individual person who has no dependent children and who is a chronically sick or disabled       | £11.75 |
| (b) for a married couple, one of whom is a chronically sick or disabled person                             | £16.00 |
| (c) for an individual person who is a chronically sick or disabled person and who has a dependent child or | £16.00 |
| (d) for a married couple, both of whom are chronically   | £16.75 |

(3) In sub-paragraph (2) above, any reference to a chronically sick or disabled person is a reference to a person in need under section 12 of the Social Work (Scotland) Act 1968 as read with section 1 of the Chronically Sick and Disabled Persons (Scotland) Act 1972.

*Income of tenant and spouse*

9 (1) The weekly income of the tenant and any spouse of the tenant shall be ascertained for the purposes of this Schedule by taking the amount which the authority have assessed under Schedule 3 below as likely to be their income during the rebate period or, as

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the case may be, the allowance period and disregarding any item mentioned in sub-paragraph (2) below which is included in that income.

- (2) The items to be disregarded are—
- (a) any amount paid to the tenant by a sub-tenant to whom he has sub-let part of his house in respect of rent payable by the sub-tenant by reason of his occupation of the house;
  - (b) any payment made to the tenant or his spouse by a dependent child of his or of his spouse or by a non-dependant;
  - (c) in the case of a married couple £2.50 of the earnings of a woman who is either the tenant or the tenant's wife;
  - (d) any sums payable under section 49 of the Education (Scotland) Act 1962 (financial assistance for education);
  - (e) any attendance allowance ;
  - (f) any sums payable to any person as holder of the Victoria Cross or of the George Cross ;
  - (g) any benefit under the Ministry of Social Security Act 1966 ;
  - (h) £2.00 of any of the following, namely—
    - (i) a war disablement pension ;
    - (ii) industrial disablement benefit;
    - (iii) an old cases allowance ;
    - (iv) any payment which the Secretary of State accepts as being analogous to a payment mentioned in sub-paragraphs (i) to (iii) above ;
  - (i) £200 of so much of—
    - (i) a widow's pension under section 19(3) of the National Insurance (Industrial Injuries) Act 1965 payable by virtue of paragraphs (a) to (e) thereof;
    - (ii) a special widow's pension (not including any allowance in respect of children) ;
    - (iii) any payment which the Secretary of State accepts as being analogous to a payment mentioned in sub-paragraph (i) or (ii) above, as exceeds the rate specified in Schedule 3 to the National Insurance Act 1965 for a widow's pension under that Act;
  - (j) £2.00 of any voluntary payment other than a payment made by a person who is not a non-dependant for the maintenance of his spouse (including a spouse with whom he is not living) or his former spouse or his children.
- (3) The total disregard under paragraphs (h) to (j) of sub-paragraph (2) above shall in no case exceed £200, and where a number of voluntary payments (other than payments for maintenance such as are mentioned in paragraph (j) above) are received, they shall be treated as if they were one payment for the purposes of that paragraph.
- (4) In sub-paragraph (2) above—
- " attendance allowance " and " war disablement pension " have the meanings assigned to them by any regulations for the time being in force under the Family Income Supplements Act 1970;
  - " industrial disablement benefit " means any weekly payment of disablement benefit under the National Insurance (Industrial Injuries) Act 1965 ;

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" old cases allowance " means a weekly payment made under a scheme having effect by virtue of the Industrial Injuries and Diseases (Old Cases) Act 1967 ;

" special widow's pension " means—

- (a) any widow's pension or allowance granted under powers conferred by or under the Ministry of Pensions Act 1916, the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947, the Home Guard Act 1951 or the Ulster Defence Regiment Act 1969 ;
- (b) a pension or allowance for a widow granted under any scheme made under the Injuries in War (Compensation) Act 1914, the Injuries in War Compensation Act 1914 (Session 2), or the Injuries in War (Compensation) Act 1915 or under any War Risk Compensation Scheme for the Mercantile Marine.

- (5) The Secretary of State may accept a payment as being analogous to a payment mentioned in sub-paragraph (2) above—
  - (a) by directing authorities in general to regard payments of that description as analogous for the purposes of this Schedule; or
  - (b) by notifying an authority that he accepts such a payment as analogous for those purposes.

*Amount of rebate or allowance*

- 10 (1) In this Schedule " minimum weekly rent" means, subject to sub-paragraphs (2) and (3) below, £1.00 or 40 per cent. of the weekly rent, whichever is the greater.
- (2) In any case where the weekly income of the tenant and his spouse is less than the needs allowance, " minimum weekly rent" means the amount calculated in accordance with sub-paragraph (1) above less an amount equal to 25 per cent. of the difference between the needs allowance and the weekly income.
- (3) In any case where the reduction under sub-paragraph (2) above would be equal to or greater than £1.00 or 40 per cent. of the weekly rent, whichever is the greater, the minimum weekly rent shall be zero.
- 11 (1) The amount of rebate or allowance to be granted shall be an amount calculated in accordance with this paragraph but less any sum in respect of non-dependants as mentioned in paragraph 12 below, and subject in any event to paragraphs 13, 14 and 16 below.
- (2) If the weekly income of the tenant and his spouse is equal to or less than the needs allowance, the rebate or allowance shall be equal to the amount, if any, by which the weekly rent exceeds the minimum weekly rent.
- (3) In any case where the weekly income exceeds the needs allowance, the rebate or allowance shall be calculated in accordance with sub-paragraphs (4) and (5) below.
- (4) There shall be added—
  - (a) an amount equal to the minimum weekly rent;
  - (b) an amount equal to 17 per cent. of the difference between the weekly income and the needs allowance.



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(5) If the sum produced under sub-paragraph (4) is less than the weekly rent, the rebate or allowance shall be equal to the difference between the weekly rent and that sum.

12 (1) The deductions from a rebate or allowance in respect of non-dependants are for each week—

|   |       |
|---|-------|
| (a) for each person aged 18 years or more, but under 21 years and neither undergoing full-time instruction at an educational establishment nor in receipt of supplementary benefit  | £1.00 |
| (b) for each person aged 21 years or more, but under pensionable age and neither undergoing full-time instruction at an educational establishment nor in receipt of supplementary benefit except in the case mentioned in paragraph (e) below | £1.50 |
| (c) for each person in receipt of supplementary benefit   | £0.70 |
| (d) for each person of pensionable age not in receipt of supplementary benefit, except in the case mentioned in paragraph (e) below   | £0.70 |
| (e) for a married couple where the husband is of pensionable age and not in receipt of supplementary benefit  | £0.70 |

(2) If any person is in receipt of supplementary benefit for himself and also for his spouse, they shall be treated as one person for the purposes of this paragraph.

*Minimum and maximum rebate and allowance*

13 If the amount of a rebate or allowance as calculated in accordance with this Schedule would be less than 20p, an authority may or may not grant the rebate or allowance, as they think fit.

14 If the amount of a rebate or allowance as so calculated would exceed £6.50 the excess shall not be granted.

*Treatment of fractional amounts*

15 The amount of any rebate or allowance shall be calculated to the nearest new penny by disregarding an odd amount of half a new penny or less, and by treating an odd amount exceeding half a new penny as a whole new penny.

*Additional rebate*

16 (1) A local authority may grant to any person an additional rebate of such an amount and for such period and subject to such conditions as the Secretary of State may by general or particular direction provide beginning with the first rental period after their rebate scheme comes into operation if—

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- (a) the whole or part of that person's rent under the tenancy was met for the immediately preceding rental period by a rebate granted by virtue of arrangements for such rebates made under section 151(4) of the Act of 1966 ; and
  - (b) the condition mentioned in sub-paragraph (2) below is satisfied in his case.
- (2) The condition which must be satisfied in the case of any person before he is granted an additional rebate by virtue of sub-paragraph (1) above is either—
- (a) that the rent remaining to be met by the tenant after taking account of the amount of any rebate was less during the rental period mentioned in sub-paragraph (1)(a) above than during the first rental period after a rebate scheme in accordance with the provisions of the model scheme came into operation, or—
  - (b) that the rebate granted for the rental period immediately preceding that in which the relevant scheme under this Act came into operation consisted of or included an amount granted under a provision which in the opinion of the Secretary of State was comparable to this paragraph.
- (3) Sub-paragraphs (1) and (2) above shall apply to a development corporation and the Scottish Special Housing Association as they apply to a local authority except that in sub-paragraph (1)(a) the words from " granted by " to " 1966 " shall be omitted.

*Provisions applying only to computation of allowances*

- 17 (1) For the purposes of the computation of allowances, the foregoing provisions of this Schedule shall be modified in accordance with sub-paragraph (2) below.
- (2) It shall be the duty of every authority, for the purpose of computing the amount of an allowance—
- (a) if they consider that the tenant is in occupation of a house larger than he reasonably requires, or
  - (b) if they consider that, by virtue of the location of the tenant's house, its rent is exceptionally high by comparison with the rent payable under comparable private tenancies of similar houses in the authority's district,
- to consider whether they ought in all the circumstances to treat the rent as reduced by an appropriate amount, and if in their opinion they ought to treat it as reduced, to grant an allowance only in respect of the rent as so reduced.

## PART II

### PERSONS RECEIVING SUPPLEMENTARY BENEFIT

- 18 The provisions of this Part of this Schedule have effect as respects the amount of rebate or allowance to be granted to a person for a week which is the ninth or any later week in any period for which he, or any person whose income is to be aggregated with his under paragraph 9 of this Schedule, is in receipt of supplementary benefit.
- 19 (1) The said amount shall be the amount if any by which the weekly rent exceeds £1.00 or 40 per cent. of the weekly rent, whichever is the greater, but less any sum in respect of non-dependants as mentioned in paragraph 12 of this Schedule, and subject to paragraphs 13, 14, 15 and 17 of this Schedule.

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- (2) Paragraph 11 of this Schedule shall not apply where this paragraph applies.
- 20 (1) The last preceding paragraph shall not apply where, assuming it did apply, the amount of supplementary benefit payable for the week would fall to be reduced under paragraph 5 of Schedule 2 to the Ministry of Social Security Act 1966 (adjustment of benefit to normal earnings), but Part I of this Schedule shall then apply subject to the following provisions of this paragraph.
- (2) The weekly income of the tenant and any spouse of the tenant shall be ascertained for the purposes of this Schedule by taking for the rebate period or allowance period the amount of the gross weekly income which the person in receipt of supplementary benefit would have if he were engaged in full time work in his normal occupation, and the amount of any gross income of the spouse, and disregarding to the extent mentioned in paragraph 9(3) of this Schedule any item mentioned in paragraph 9(2) of this Schedule which is included in that income.
- (3) The amounts mentioned in sub-paragraph (2) above shall be those amounts as estimated or determined by the Supplementary Benefits Commission.
- (4) The preceding provisions of this paragraph shall be in substitution for paragraph 9(1) of this Schedule.
- 21 (1) In this Schedule " period of supplementary benefit" means a continuous period for which the person in question is in receipt of supplementary benefit, but the Secretary of State may give directions as to the circumstances in which two periods of supplementary benefit with a break between are to be regarded as one continuous period.
- (2) This Part of this Schedule applies whether or not the period of supplementary benefit began before the coming into operation of the scheme.

## SCHEDULE 3

Section 17.

### REBATES AND ALLOWANCES: PROCEDURE

#### PART I

#### GENERAL

##### *Introductory*

- 1 (1) Subject to the provisions of this Schedule, an authority may pay a rebate or allowance at any time and in any manner that they think fit.
- (2) Where in the case of a rental period exceeding one month a local authority—
- (a) receive an application for a rebate or allowance ; or
  - (b) determine under paragraph 5 or 6 below that the rebate period or allowance period shall terminate ; or
  - (c) determine under paragraph 5 or 6 below that the rebate or allowance shall be altered; or

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- (d) receive an application for a further rebate or allowance under paragraph 10 below,

the provisions of this Schedule shall have effect as if any reference to a rental period were a reference to a period of one month and as if the rental period had always been one month since the commencement of the rental period.

- (3) Where an authority for administrative convenience arrange for the year's rent to be paid irregularly, or so that no rent is payable for or collected in certain periods, or so that rent for different periods in the year is of different amounts, the provisions of this Schedule shall be applied, and all calculations shall be made, by reference to the rent which would have been paid if the arrangements had not been made.
- (4) Where—
- (a) a house to which a local authority's housing revenue account relates or a development corporation house or a Scottish Special Housing Association house is let to one of two spouses, or one of two spouses is a private tenant, and
  - (b) the house is not occupied by the tenant, and
  - (c) the other spouse is in occupation of the house and has paid the rent in respect of any rental period,

the authority may, if in their opinion it is reasonable to do so, treat the spouse who has paid the rent as the tenant for the purposes of this Schedule and grant a rebate, or, as the case may be, an allowance accordingly.

- (5) In the following provisions of this Schedule "tenant" includes, subject to paragraph 16(6) below, a person treated as a tenant under this paragraph or paragraph 4 or 5 of Schedule 2 above.
- (6) In this paragraph "spouse" has the same meaning as in paragraph 2 of Schedule 2 to this Act except that it includes a spouse living apart, but otherwise in this Schedule "spouse" has the same meaning as in the said paragraph 2.

#### *Applications for rebates and allowances*

- 2 (1) When an authority receive an application for a rebate or allowance whether before or after their rebate scheme or allowance scheme comes into operation, it shall be their duty, subject to sub-paragraph (2) below, to determine whether the applicant is entitled to a rebate or an allowance and, if so, the amount to which he is so entitled; and they shall request him in writing to furnish such information and such evidence as they may reasonably require for that purpose as to the following matters namely—
- (a) the persons who reside in the house occupied by him ;
  - (b) the rent and other charges in respect of any sub-letting of the house;
  - (c) his other income and, if he has a spouse, the income of his spouse,
- and shall include with the request a notice to the applicant of the duty under paragraph 5 of this Schedule to report to the authority changes of circumstances such as are mentioned in that paragraph.
- (2) An authority shall be under no duty to grant a rebate or an allowance unless they are satisfied that the applicant has furnished all such information and evidence as they require for the purpose of determining whether he is entitled to a rebate or an allowance.

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- (3) An application may be withdrawn at any time, and if an application is withdrawn the authority shall upon the withdrawal cease to be under any duty to make a determination on it, or to take any further step in relation to it.

*Assessment of income*

- 3 (1) If an authority are satisfied on an application for a rebate or an allowance that the applicant is eligible for consideration for a rebate or an allowance, it shall be their duty to assess the amount which is likely to be the income of the applicant and of any spouse of his during the rebate period or, as the case may be, the allowance period.
- (2) In so far as a person's income consists of earnings from a gainful occupation, the amount which is likely to be the income shall be calculated or estimated by reference to the average of his earnings from that occupation over a period ending with his last pay-day before the application and being a period—
- (a) of five weeks, if he is paid weekly,
  - (b) of two months, if he is paid monthly,
- so, however, that in any case the authority may have regard to the average of a person's earnings from a gainful occupation over such other period or periods as appear to them to be appropriate in order properly to assess the amount which is likely to be his income during the rebate period or the allowance period, as the case may be.
- (3) In so far as a person's earnings from any gainful occupation comprise salary, wages or fees related to a fixed period, the gross amount of his salary, wages or fees shall be taken into account; and in so far as a person's earnings from any gainful occupation do not comprise salary, wages or fees related to a fixed period, the net profit derived from that occupation shall be taken into account.
- (4) In so far as a person's income does not consist of earnings from a gainful occupation, its weekly amount shall be calculated or estimated, subject to sub-paragraph (5) below, on such basis as appears to the authority to be appropriate in the circumstances of the particular case.
- (5) The Secretary of State may give directions to authorities in general as to the manner in which they are to calculate the income of persons who belong to classes of persons to whom payments are made by virtue of any enactment which in his opinion are not taxable and are of amounts calculated on the basis that they are not taxable.
- (6) In this paragraph—
- " net profit " means profit after deduction of expenses but without deduction of income tax or of contributions payable by him under the National Insurance Act 1965 except contributions paid otherwise than as an insured person ; and
  - " pay-day " means an occasion on which earnings are paid.
- (7) Where any amount which is payable or calculated otherwise than as a weekly amount falls to be taken into account for the purposes of this paragraph, it shall be converted into the weekly amount which represents it, and that amount shall be treated as the relevant amount for those purposes.

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*Rebate period and allowance period*

- 4 (1) Where a rebate or an allowance is first granted, the rebate period or allowance period shall commence at the commencement of the rental period in which the application for a rebate or an allowance was received.
- (2) A rebate period and an allowance period shall end, subject to paragraphs 5 and 6 below—
- (a) if the tenant is of pensionable age, not later than twelve months after the date on which he was notified that his application for a rebate or an allowance was granted ; and
- (b) in any other case, not later than six months after that date.
- 5 (1) If at any time between the making of an application for a rebate or an allowance and any determination made on that application there is a change of circumstances such that the applicant may be reasonably expected to know that it may reduce the amount to which he is entitled, it shall be the duty of the applicant to notify the authority of that change.
- (2) If after a rebate or an allowance has been granted to a tenant and before the end of the rebate period or allowance period there is a change of circumstances such that the tenant may be reasonably expected to know that it may affect his entitlement or reduce the amount to which he is entitled, it shall be the duty of the tenant to notify the authority of that change.
- (3) If during a rebate period or an allowance period an authority receive a notification of a change of circumstances under sub-paragraph (2) above, or consider, without receiving such a notification, that there has been such a change in the tenant's circumstances as will affect the tenant's entitlement or reduce the amount to which he is entitled, the authority shall determine, according to the circumstances, either that the period shall terminate on a date earlier than it would otherwise terminate or that the amount of rebate or allowance shall be altered in respect of such rental period or periods as they consider appropriate.
- 6 (1) If during a rebate period or an allowance period an authority receive from a tenant a notification of a change of circumstances relating to him which might entitle him to a higher rebate or allowance, the authority, if they are of the opinion, after obtaining and considering such information and evidence as they require, that the tenant is entitled to a higher rebate or allowance, shall determine, according to the circumstances, either that the period shall terminate on a date earlier than that on which it would otherwise terminate, or that the amount of rebate or allowance shall be increased in respect of any rental period or periods commencing after the date on which the circumstances changed.
- (2) If an authority determine under sub-paragraph (1) above that a rebate period or allowance period ought to terminate, they shall invite the tenant to submit a further application for a rebate, or, as the case may be, an allowance.
- 7 If there is such an alteration in the terms of a rebate scheme or allowance scheme or in the rent as to affect the amount of rebate or allowance to which a tenant is entitled, the authority shall make such alterations as may be appropriate in the amount of his rebate or allowance.
- 8 It shall not be the duty of an authority to alter a rebate or allowance under paragraph 5, 6 or 7 above if the alteration would be equal to or less than 20 new pence.

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- 9 Without prejudice to any other right to recover the amount of any rebate or allowance which has been wrongly granted, where any person has received a rebate or allowance to which he was not entitled, it may be recovered from him by deduction from sums which would otherwise be granted to him by way of rebate or allowance.

*Application for further rebate or allowance*

- 10 (1) A tenant to whom a rebate or allowance has been granted may apply to the authority for a further rebate or allowance commencing with the first rental period after the end of the current rebate period or allowance period.
- (2) An application under sub-paragraph (1) above need not be entertained if it is made more than one month before the end of the current period.
- (3) If the application is made not later than one month after the end of that period, the new rebate period or allowance period shall commence with the first rental period to commence after the end of the former rebate or allowance period.
- (4) If the application is made at any later date, the new period shall commence with the first rental period after the date of the application:

Provided that the authority may, if in their opinion the circumstances are exceptional, allow the new period to commence with the first rental period to commence after the end of the former rebate or allowance period.

- (5) Subject to this paragraph, the provisions of this Schedule shall apply on an application for a further rebate or allowance as they apply on a first application.

*Transitional*

- 11 Where—
- (a) the whole or part of a person's rent under a tenancy was met by a rebate for the rental period immediately preceding that in which the rebate scheme under this Act of the authority who granted him that rebate comes into operation; and
- (b) the terms on which the rebate was granted for that rental period are identical with those on which rebates are to be granted under the rebate scheme under this Act, or conform with directions made by the Secretary of State,
- the authority may treat him, for all the purposes of this Schedule or Schedule 2 to this Act, as if he were a person to whom they had granted under this Act a rebate for the first rental period after the rebate scheme under this Act came into operation.

*Provisions applying only to allowances*

- 12 (1) An authority may require from any person who has applied for or who is in receipt of an allowance evidence—
- (a) of his interest in the house in respect of which his application was made or the allowance is paid ;
- (b) of the rent paid for the house in respect of the rental period in which his application was made or any other rental period in the allowance period.
- (2) An authority may terminate an allowance period or pay the allowance to the tenant's landlord for any rental period within the allowance period if they are satisfied that

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the tenant is not paying rent regularly to his landlord or if the tenant is unable to show the amount of rent paid in respect of any rental period within the allowance period.

- (3) In paying an allowance, an authority—
- (a) shall comply with such general or particular directions as the Secretary of State may from time to time give as to the frequency of payment;
  - (b) shall have regard, subject to sub-paragraph (2) above, to the reasonable needs and convenience of the tenant.
- 13 The authority may withhold an allowance where the landlord of a private tenant is residing with the tenant, or where the landlord is a member of the family of a private tenant and it appears to the authority that the tenancy was created to take advantage of any allowance scheme.
- 14 In ascertaining the amount of an allowance the authority shall have regard, where the rent is registered, to any amount noted on the register in pursuance of section 43(1A) of the Act of 1971.
- 15 (1) In ascertaining the amount of an allowance the authority shall disregard—
- (a) where the rent is payable under a controlled tenancy, any rent paid in excess of the rent limit under Part V of the Act of 1971,
  - (b) where the rent is payable under a regulated tenancy and a rent is registered for the dwelling-house, any rent paid in excess of the rent limit under Part III of the Act of 1971 or in excess of the amount which is for the time being recoverable under Schedule 13 to the Act of 1971 or under Schedule 6 to this Act,
  - (c) where the rent is payable under such a tenancy as is described in paragraph (b) above, but no rent is registered for the dwelling-house, or where the rent is payable under such a tenancy as is described in paragraph (d) below and the rent limit is determined under section 62(3) of this Act, and the authority are not satisfied that the rent paid is equal to or less than the fair rent, as estimated by the authority, any rent paid in excess of that estimated fair rent,
  - (d) where the rent is payable under a tenancy to which sections 60 to 66 of this Act apply and the rent limit is not determined under section 62(3) of this Act, any rent paid in excess of the rent limit under those sections,
  - (e) where there is in operation, with respect to the dwelling-house, any such condition relating to rent as is described in section 40(5) of the Act of 1971 (conditions attached to financial assistance for housing), any rent paid in excess of any limit of rent imposed by the conditions,
  - (f) where the rent is not payable under a regulated or controlled tenancy or a tenancy to which sections 60 to 66 of this Act apply and the authority are not satisfied that the rent is equal to or less than the fair rent as estimated by the authority which would be determined if the tenancy were subject to rent regulation, any rent paid in excess of that estimated rent.
- (2) Nothing in sub-paragraph (1) above shall affect the operation of paragraph 17 of Schedule 2 to this Act.
- (3) Where after paying any rent a tenant becomes entitled, under section 31 of the Act of 1971 or otherwise, to recover part of that rent as being in excess of any such limit as is described in sub-paragraph (1) above, the authority shall ascertain what the amount of the allowance would have been if the tenant had not paid the rent he is entitled to recover ; and the excess of the allowance actually granted over that amount shall



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be treated for the purposes of paragraph 9 of this Schedule as an allowance which has been wrongly granted.

- (4) Expressions used in this paragraph and in the Act of 1971 have the same meaning in this paragraph as in that Act.

*General duty of authority as to determinations*

- 16 (1) It shall be the duty of an authority to notify a tenant in writing of every determination which they make under their rebate scheme or allowance scheme in relation to him.
- (2) A tenant may make representations to an authority concerning a determination which they make in relation to him, and if an authority receive such a representation from a tenant within one month of their notification to him of such a determination they shall consider the representation and may alter or confirm the determination according to the circumstances, and if they alter or confirm it they shall notify the tenant in writing of their reasons for doing so.
- (3) Every notification of a determination shall include a notice to the tenant explaining the provisions of sub-paragraph (2) above.
- (4) When an authority determine to treat as the tenant, in pursuance of paragraph 5 of Schedule 2 above, a person who is not the tenant within the meaning of section 22 of this Act, it shall be their duty to notify of that determination both the person who will fall to be treated as the tenant as a result of the determination and the person who would have been considered eligible for a rebate or an allowance but for the determination.
- (5) When an authority determine to treat as the tenant, in pursuance of paragraph 4 of Schedule 2 above or paragraph 1 of this Schedule, a person who is not the tenant or, as the case may be, not the sole tenant, within the meaning of section 22 of this Act, it shall be their duty to notify of that determination the person who will fall to be treated as the tenant as a result of it and to take such (if any) steps as they consider reasonable to notify of the determination the person or persons who would have been considered eligible for a rebate or an allowance but for the determination.
- (6) The references to the tenant in sub-paragraphs (2) and (3) above shall accordingly be construed as including every person to whom sub-paragraph (4) or (5) above applies.
- (7) Where an authority notify a tenant of a determination to grant him a rebate or an allowance their notification shall state the amount of the rebate or allowance granted, the rebate period or allowance period and the circumstances in which the amount or the period may be altered, and draw his attention to the duty imposed on him by paragraph 5(2) above.

## **PART II**

### **PERSONS IN RECEIPT OF SUPPLEMENTARY BENEFIT**

- 17 (1) The Secretary of State may give directions, either generally or in any particular case, as to the application of Part II of this Act (including the last preceding Schedule and this Schedule) to persons who may be entitled to receive supplementary benefit or are or have been in receipt of such benefit, and to persons whose income or resources have been or may be aggregated for the purposes of this Act, or of the Ministry

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of Social Security Act 1966, with those of persons who may be entitled to receive supplementary benefit or are or have been in receipt of such benefit.

- (2) Directions under this paragraph may in particular make provision as to—
- (a) the beginning or ending of any rebate or allowance period;
  - (b) the procedures to be adopted in cases where a person is or may be entitled both to a rent rebate or a rent allowance and to supplementary benefit, and the method of disposing of any application for rent rebate or rent allowance which is pending when a person becomes entitled to supplementary benefit; and
  - (c) the method of dealing with cases where it is difficult to ascertain whether a person has been in receipt of supplementary benefit for more than eight weeks.
- (3) Any direction under this paragraph shall have effect notwithstanding anything in Part I of this Schedule.
- 18 (1) An authority shall not, under this Schedule, require the tenant, as respects any period for which he is in receipt of supplementary benefit, to give any information to the authority, other than such information as may for the time being be specified for the purposes of this paragraph by any direction given by the Secretary of State, either generally or in any particular case.
- (2) An authority shall afford to the Secretary of State such information in their possession as he may require to give effect to the Ministry of Social Security Act 1966 as amended by this Act, and the Secretary of State and the Supplementary Benefits Commission shall afford to every authority such information concerning claims for, and payments of, supplementary benefit as the authority may require to give effect to Schedule 2 to this Act and this Schedule.
- (3) Without prejudice to the generality of sub-paragraph (2) above, where the authority are to ascertain the amounts specified in paragraph 20(2) of Schedule 2 to this Act for a person who is in receipt of supplementary benefit, whether in the first eight weeks or later (or for a person whose income is to be aggregated with that of a person in receipt of supplementary benefit) it shall be the duty of the Commission to notify the authority of those amounts as estimated or determined by the Commission and to supply the authority with such particulars of the resources of the tenant and any spouse as will enable the authority to ascertain the weekly income of the tenant and any spouse.
- (4) An authority and the Secretary of State may from time to time enter into any arrangements for purposes of administrative convenience which, without affecting the total relief available to any tenant—
- (a) authorise the authority to grant a rebate or allowance greater than, or less than, the amount required by or under the authority's scheme, or to grant, or refrain from granting, a rebate or allowance where the provisions of the scheme provide otherwise, and
  - (b) require the authority to pay to the Secretary of State such amount, estimated in a manner determined by the arrangements, as reflects any liability to give relief to the tenant transferred by the arrangements from the authority to the Secretary of State,

and where any arrangements within paragraph (a) above were made in the period from the beginning of the year 1972-73 until the coming into force of this Act, the authority shall have power to pay to the Secretary of State such amount in respect

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of any liability to give relief to the tenant transferred by the arrangements to the Secretary of State as may be determined by them on a formula agreed with the Secretary of State.

- (5) Without prejudice to paragraph 17 above, the Secretary of State may give directions to authorities in general or any individual authority or description of authority requiring them in such cases and circumstances as may be specified in the direction to grant a rebate or allowance greater than, or less than, the amount required by or under their scheme, or to grant, or refrain from granting, a rebate or allowance where the provisions of the scheme provide otherwise, and to pay to the Secretary of State such amount, to be estimated in such manner as may be so specified, as reflects any liability to give relief to the authority's tenants which is transferred in accordance with the directions from the authority to the Secretary of State.
- (6) Any reference in this Act to the amount of rebates or allowances granted by an authority for a year or other period shall include an amount which in the opinion of the Secretary of State represents the rebates or allowances which would have been granted but for any arrangements under sub-paragraph (4) or directions under sub-paragraph (5) above, estimated in such manner as the Secretary of State may direct; and a corresponding adjustment shall be made in arriving at the amount to be treated for any purpose of this Act as an authority's standard amount of rent rebates or rent allowances.

#### SCHEDULE 4

Section 23.

#### THE HOUSING REVENUE ACCOUNT

##### *Credits*

- 1 (1) For each year a local authority shall carry to the credit of the housing revenue account amounts equal to—
- (a) the income receivable by the local authority from standard rents ;
  - (b) any income receivable by the local authority for that year in respect of service charges, supplementary charges, feu duties and any other charges in respect of houses and other property to which the account relates ;
  - (c) the following subsidies, if any, payable to the local authority for that year, that is—
    - (i) the residual subsidy, excluding any subsidy payable under section 2(7)(b) of this Act,
    - (ii) the housing expenditure subsidy,
    - (iii) the high cost subsidy ;
  - (d) any contribution out of the general rate fund associated with either of the subsidies referred to in sub-paragraph (c)(ii) and (iii) above which is made by the local authority for that year;
  - (e) any contribution payable to the local authority for that year in respect of houses or other property to which the account relates under any of the following enactments (which relate to contributions out of money provided by Parliament towards costs of improvement and conversions), that is
    - (i) section 2 of the Housing (Scotland) Act 1949,
    - (ii) section 105 of the Housing (Scotland) Act 1950,

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- (iii) section 13 of the Act of 1968 ;
- (f) any contribution payable to the local authority for that year under section 59 of the Act of 1969 towards expenditure incurred by them on property to which the account relates under section 58 of that Act (powers of local authority in respect of improvement of amenities of residential areas);
- (g) any payments received by the local authority from another local authority in pursuance of any overspill agreement, being payments such as are mentioned in paragraph 2(e) of this Schedule ;
- (h) any contributions received by the local authority under section 101(1) of the Housing Act 1964, in so far as amounts equal to the expenditure towards which those contributions are made fall to be debited to the account;
- (i) income, and receipts in the nature of income, being income or receipts arising for that year from the investment or other use of money carried to the account;
- (j) any other income of any description, except a contribution out of the general rate fund, receivable by the local authority for that year, being income relating to expenditure falling to be debited to the account for that year ;
- (k) such other income of the local authority as the Secretary of State may direct.
- (2) Subject to sub-paragraph (3) below, where any house or other property to which the account relates has been sold or otherwise disposed of, an amount equal to any income of the local authority arising from the investment or other use of capital money received by the authority in respect of the transaction shall be carried to the credit of the account.
- (3) Sub-paragraph (2) above shall not apply—
- (a) where the Secretary of State otherwise directs as respects the whole or any part of such income, or
- (b) as respects income from capital money carried to a capital fund under section 9 of the Local Government (Development and Finance) (Scotland) Act 1964.
- (4) An amount equal to any income of the local authority arising from an investment or other use of borrowed moneys in respect of which the authority are required under paragraph 2 below to debit loan charges to the account shall be carried to the credit of the account.
- (5) Where for any year a deficit is shown in the account, the local authority shall carry to the credit of the account, in respect of that year, an amount equal to the amount of the deficit, but, subject to sub-paragraph (6) below, shall repay the amount so credited to the general rate fund within the two immediately succeeding years.
- (6) The obligation to repay referred to in sub-paragraph (5) above shall not apply if—
- (a) the deficit occurred for any year for which the local authority were required to limit the increase in standard rents by virtue of the proviso to section 28(2) of this Act or for which they were required to increase standard rents under section 29(1) of this Act, and
- (b) where the deficit occurred in the year 1973-74 or any subsequent year, for every preceding year since the year 1972-73 the local authority were required to so limit the increase in standard rents or increase standard rents under the said section 29(1).

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- (7) For any year, the local authority may, with the consent of the Secretary of State, carry to the credit of the account, in addition to the amounts required by the foregoing provisions of this Schedule, such further amounts, if any, as they think fit.

#### *Debits*

2 Subject to paragraph 3 of this Schedule, for each year a local authority shall debit to the housing revenue account amounts equal to—

- (a) the loan charges which the local authority are liable to pay for that year in respect of money borrowed by a local authority for the purpose of—
- (i) the provision by them after 12th February 1919 of housing accommodation under the enactments referred to in section 23(1) (a) of this Act,
  - (ii) the execution of works in respect of which the Secretary of State has made an exchequer contribution under section 35 of the Housing (Scotland) Act 1935,
  - (iii) the provision or improvement by them of dwellings in accordance with improvement proposals approved by the Secretary of State under section 2 of the Housing (Scotland) Act 1949 or under section 105 of the Housing (Scotland) Act 1950 or under section 13 of the Act of 1968,
  - (iv) meeting expenditure on the repair of houses and other property to which the account relates including any deficit referred to in paragraph 2(2) of Schedule 10 to this Act,
  - (v) the improvement of amenities of residential areas under section 58 of the Act of 1969 on land to which the account relates:

Provided that a local authority may, with the approval of the Secretary of State, debit to the account any payments, of which the amount and the period over which they are payable have been approved by him, to meet outstanding capital debt in respect of any house to which the account relates and which is demolished after the coming into force of this Act;

- (b) the taxes, feuduties, rents and other charges which the local authority are liable to pay for that year in respect of houses and other property to which the account relates ;
- (c) the expenditure incurred by the local authority for that year in respect of the repair, maintenance, supervision and management of houses and other property to which the account relates, other than the expenditure incurred by them in the administration of a rent rebate scheme ;
- (d) the arrears of rent which have been written off in that year as irrecoverable, and the income receivable from any houses to which the account relates during any period in that year when they were not let;
- (e) any payments made by the local authority to another local authority or a development corporation in pursuance of any overspill agreement, being payments towards expenditure which, if it had been incurred by the first-mentioned authority, would have been debited by them to their housing revenue account in pursuance of this paragraph ;
- (f) any amount repaid to the general rate fund in that year under paragraph 1(5) above ;

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- (g) such other expenditure incurred by the local authority as the Secretary of State directs shall be debited to the housing revenue account.

3 A local authority shall not debit to the housing revenue account for the year 1972-73 and subsequent years amounts equal to—

- (a) expenditure on the provision of anything after the beginning of the year 1972-73 under section 139 or 141 of the Act of 1966 (which relate respectively to the powers of a local authority to provide shops, etc., and laundry facilities) or the supply of anything under section 140 of that Act (which relates to the power of a local authority to provide furniture, etc.), being anything in respect of which no expenditure was incurred before the year 1972-73, or
- (b) any part of expenditure attributable to site works and services of a house or houses or other property to which the housing revenue account relates which exceeds the expenditure required for the provision of the house or houses or other property:

Provided that nothing in sub-paragraph (a) above shall apply to expenditure on the provision of—

- (i) anything referred to in paragraph (a) and (b) of section 32(1) of this Act in respect of which the local authority are required to make a service charge,
- (ii) any garage, car-port or other car-parking facilities provided by the local authority, whether before the year 1972-73 or not, under the terms of the tenancy of a house.

#### *Transitional*

- 4 (1) Where, but for the coming into force of this Act, any adjustment of a housing revenue account for the year 1971-72, or for an earlier year, would have been effected by entering a credit or debit in that account for the year 1972-73, or any later year, the adjustment shall be so made notwithstanding the provisions of this Act as to the nature of the credits or debits to be entered in the housing revenue account for the year 1972-73 and later years.
- (2) Any direction given under paragraph 1(2) of Schedule 7 to the Act of 1968 (crediting of income from proceeds of sale of property) shall, in the year 1972-73 and later years, have effect as if given under paragraph 1(3)(a) of this Schedule.
- (3) Any direction given under paragraph 3 of the said Schedule 7 shall, as respects those years, have effect as if it had been given under paragraph 8 or 9 of this Schedule.

#### *Working Balances*

- 5 (1) Subject to paragraph 6 of this Schedule, the local authority may retain in the account any amount by way of working balance and any such amount shall be treated as a debit to the account for the purposes of section 28 or 29 of this Act.
- (2) An amount so retained in the account for any year shall be carried forward and treated as an item of income in the account for the next following year for the purposes of section 28 or 29 of this Act.
- 6 (1) Subject to sub-paragraph (2) below, the working balance at the end of a year shall not exceed an amount per house of £30.

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- (2) A local authority shall not create or hold a working balance for any year for which they are required to carry an amount to the credit of the account under paragraph 1(5) of this Schedule.

*Supplemental*

- 7 Any requirement of this Schedule as respects any amount to be debited or credited to the account may be met by taking in the first instance an estimate of the amount, and by making adjustments in the account for a later year when the amount is more accurately known or is finally ascertained.
- 8 A local authority may, with the consent of the Secretary of State, exclude from the housing revenue account any of the items of income or expenditure mentioned in the foregoing provisions of this Schedule, or may with such consent include any items of income or expenditure not mentioned in those foregoing provisions.
- 9 Where it appears to the Secretary of State that amounts in respect of any items of income or expenditure other than those mentioned in the foregoing provisions of this Schedule ought properly to be credited or debited to a housing revenue account, or that amounts in respect of any of the items of income and expenditure mentioned in the foregoing provisions of this Schedule which ought properly to have been credited or debited to the account have not been so credited or debited, or that any amounts have been improperly credited or debited to the account, he may, after consultation with the local authority, give directions for the appropriate credits or debits to be made or for the rectification of the account, as the case may require.
- 10 The Secretary of State may direct that items of income or expenditure, either generally or of a specific category, shall be included in or excluded from the account.
- 11 Any surplus shown in a housing revenue account at the end of a year shall be carried forward to the next following year and included as an item of income for the purposes of section 28 or 29 of this Act.
- 12 References in this Schedule to houses and other property to which the housing revenue account of a local authority relates shall be construed as references to houses, buildings, land and dwellings in respect of which the authority are required by section 23 of this Act to keep the account.

SCHEDULE 5

Section 26.

THE SLUM CLEARANCE REVENUE ACCOUNT

*Credits*

- 1 For each year a local authority shall carry to the credit of the slum clearance revenue account amounts equal to—
- (a) the income from the rents, feu duties and other charges in respect of houses and other property to which the account relates ;
  - (b) any slum clearance subsidy payable to the local authority for that year ;
  - (c) any income from the investment or other use of capital obtained from the disposal of houses and other property to which the account relates ;

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- (d) any expenses incurred by the local authority in the demolition of a building to which the account relates which they have recovered from the owner of the building ;
- (e) such other income of the local authority as the Secretary of State may direct.

2 Where for any year a deficit is shown in the account, the local authority shall carry to the credit of the account in respect of that year an amount equal to the amount of the deficit.

#### *Debits*

3 For each year a local authority shall debit to the slum clearance revenue account amounts equal to—

- (a) the loan charges which the local authority are liable to pay for that year referable to the amount of expenditure incurred by the local authority which falls within paragraph (a) or (b) of section 26(1) of this Act;
- (b) the taxes, feuduties, rents and other charges which the local authority are liable to pay for that year in respect of houses and other property to which the account relates ;
- (c) the expenditure incurred by the local authority for that year in respect of the repair, maintenance, supervision and management of houses and other property to which the account relates ;
- (d) the expenditure incurred by the local authority for that year in respect of the purchase, demolition, and clearance of sites of houses and other property to which the account relates where that expenditure is not met from capital;
- (e) the arrears of rent which have been written off in that year as irrecoverable and the income receivable from any houses to which the account relates during any period in that year when they were not let;
- (f) such other expenditure incurred by the local authority as the Secretary of State directs.

#### *Supplemental*

4 Any surplus shown in a slum clearance revenue account at the end of a year shall be credited to the general rate fund.

5 A local authority may, with the consent of the Secretary of State, exclude from the slum clearance revenue account any of the items of income or expenditure mentioned in the foregoing provisions of this Schedule, or may with such consent include any items of income or expenditure not mentioned in those foregoing provisions.

6 The Secretary of State may direct that items of income or expenditure either generally or of a specific category, shall be included in or excluded from the slum clearance revenue account.



SCHEDULE 6

Section 37.

RESTRICTION ON RENT INCREASES

*Restriction on rent increases after first registration*

- 1 Where a rent for a dwelling-house which is subject to a regulated tenancy is registered under Part IV of the Act of 1971 and the registration is the first registration to take effect after the tenancy has become a regulated tenancy by virtue of section 34 of this Act, then if the rent payable under the tenancy for any statutory period beginning during the period of delay imposed by paragraph 2 of this Schedule is less than the rent so registered, it shall not be increased by a notice of increase under section 21(2)(b) of the Act of 1971 except to the extent (if any) permitted under the following provisions of this Schedule ; and any such notice which purports to increase it further shall have effect to increase it to the extent so permitted but no further.

*Period of delay*

- 2 There shall be a period of delay with respect to any rent registered as mentioned in paragraph 1 of this Schedule which shall be a period of two years beginning with the date of registration.

*Permitted increase*

- 3 (1) Subject to paragraph 3(1)(c) of Part III of the Schedule to the Fire Precautions Act 1971, the rent may be increased to the aggregate of the following—
- (a) the amount of the previous limit calculated in accordance with paragraph 4 of this Schedule ; and
  - (b) the appropriate proportion of the difference between the registered rent and the amount specified in paragraph (a) above.
- (2) The appropriate proportion mentioned in sub-paragraph (1)(b) of this paragraph shall be ascertained for any rental period in accordance with the following Table, in which the year of the period of delay in which the rental period begins is shown in the first column and the appropriate proportion in the second column.

TABLE

| Year of period of delay | Appropriate proportion |
|-------------------------|------------------------|
| first year              | one-third              |
| second year             | two-thirds             |

- (3) Notwithstanding anything in the foregoing provisions of this paragraph, the amount to which the rent may be increased for any rental period shall not in any case be less than 50p a week above the following, that is to say—
- (a) if the rental period begins in the first year of the period of delay, the amount specified in sub-paragraph (1)(a) of this paragraph ;
  - (b) if the rental period begins in the second year of the period of delay, the amount to which the rent could be increased for a rental period beginning in the previous year;

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but nothing in this paragraph shall be taken to enable the rent to be increased above the amount registered.

*Previous limit*

- 4 (1) For the purposes of this Schedule the previous limit of a rent shall be taken to be, subject to sub-paragraph (2) of this paragraph, the amount which at the date of registration was recoverable by way of the rent or would have been so recoverable if all notices of increase authorised by the Act of 1971 or by section 36(2) of this Act had been served.
- (2) Where the rent includes an amount payable in respect of rates, the amount so payable, ascertained in accordance with Schedule 4 to the Act of 1971, shall be deducted from the amount specified in sub-paragraph (1) of this paragraph in calculating the previous limit of the rent.

*Restriction on rent increases in cases of further registration during period of delay*

- 5 (1) Where a rent (in this paragraph referred to as the first rent) for a dwelling-house which is subject to a regulated tenancy has been registered as mentioned in paragraph 1 of this Schedule and, in any year of the period of delay imposed by paragraph 2 of this Schedule, a new rent for the dwelling-house is registered under Part IV of the Act of 1971, then, if the new rent exceeds the rent for the time being recoverable under the regulated tenancy, the following provisions of this paragraph shall apply and the foregoing provisions of this Schedule shall not apply.
- (2) The rent for any statutory period beginning before the end of the period of delay shall not be increased by a notice of increase under section 21(2)(b) of the Act of 1971 except to the extent permitted by the following provisions of this paragraph ; and any such notice which purports to increase it further shall have effect to increase it to the extent so permitted but no further.
- (3) If the new rent is less than the first rent, the rent payable under the regulated tenancy may be increased (up to the amount registered) to the same extent as if the first rent had remained registered.
- (4) If the new rent exceeds the first rent, the rent payable for any statutory period beginning after the date of registration may be increased by the difference between the first rent and the new rent, but, apart from that increase, the amount to which the rent may be increased thereafter (up to the new rent) is to be determined as if the first rent had remained registered.

*Successive tenancies*

- 6 Where a rent for a dwelling-house which is subject to a regulated tenancy is registered as mentioned in paragraph 1 of this Schedule and, during the period of delay imposed by paragraph 2 of this Schedule with respect to the rent, the tenant, or any person who might succeed him as a statutory tenant, becomes the tenant under a new regulated tenancy of the dwelling-house—
- (a) the rent limit for any contractual period of the new regulated tenancy beginning during that period of delay shall be the amount to which, if the first-mentioned tenancy had continued, the rent payable thereunder could have been increased in accordance with this Schedule for a statutory period beginning at the same time, and in relation to such a contractual period the

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reference in section 43(3)(a) of the Act of 1971 to section 19(2) of that Act shall be construed as a reference to this paragraph ; and

- (b) in relation to any statutory period of the new tenancy beginning during that period of delay the provisions of this Schedule shall have effect as if it were a statutory period of the first mentioned tenancy.

- 7 Where a controlled tenancy of a dwelling-house becomes a regulated tenancy by virtue of section 34 of this Act, and the tenant, or any person who might succeed him as a statutory tenant, becomes the tenant under a new regulated tenancy of the dwelling-house, then, if during the continuance of the new regulated tenancy a rent for the dwelling-house is registered under Part IV of the Act of 1971 and the registration would be such a registration as is mentioned in paragraph 1 above had the first mentioned regulated tenancy continued, the provisions of this Schedule shall apply as if it had continued and in particular paragraph 6 above shall, subject to paragraph 9 below, apply with the necessary modifications.

#### *Rent Agreements*

- 8 Where, after a controlled tenancy of a dwelling-house becomes a regulated tenancy by virtue of section 34 of this Act, an agreement increasing the rent under the tenancy (but without creating a new regulated tenancy) takes effect, whether before or after the beginning of the period of delay imposed by paragraph 2 of this Schedule, then, subject to paragraph 9 below,—

- (a) the rent limit for any contractual period of the regulated tenancy beginning during that period of delay shall be the amount to which, if the agreement had not been made, the rent payable under the tenancy could have been increased in accordance with this Schedule for a statutory period beginning at the same time, and, in relation to such a contractual period, the reference in section 43(3)(a) of the Act of 1971 to section 19(2) of that Act shall be construed as a reference to this paragraph ; and
- (b) in relation to any statutory period of the regulated tenancy, beginning during that period of delay, the provisions of this Schedule shall have effect as if the agreement had not been made.

- 9 If, in the period between the time when the controlled tenancy of a dwelling-house becomes a regulated tenancy by virtue of section 34 of this Act and the registration of such a rent as is mentioned in paragraph 1 of this Schedule, a rent agreement with a tenant having security of tenure takes effect as respects the dwelling-house and the provisions of sections 42 and 43 of this Act have been observed as respects the agreement, then the provisions of this Schedule shall apply as respects the period after the actual date when the rent was registered for the dwelling-house as if the date of registration had been the date on which the agreement took effect.

#### *Supplemental*

- 10 In ascertaining for the purposes of this Schedule whether there is any difference between amounts or what that difference is, such adjustments shall be made as may be necessary to take account of periods of different lengths ; and for that purpose a month shall be treated as one-twelfth and a week as one fifty-second of a year.
- 11 Where a registration takes effect from a date earlier than the date of registration, references in this Schedule to the date of registration shall nonetheless be references to the later date.

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- 12       Where a rent determined by a rent assessment committee is registered in substitution for a rent determined by the rent officer, the foregoing provisions of this Schedule shall have effect as if only the rent determined by the rent assessment committee had been registered ; but the date of registration shall be deemed for the purpose of this Schedule (but not for the purposes of section 21(2)(b) of the Act of 1971) to be the date on which the rent determined by the rent officer was registered.
- 13       This Schedule shall not apply where a registration is also the first after the completion, during the existence of the regulated tenancy, of works towards the cost of which a grant was payable under Part II of the Act of 1968.

## SCHEDULE 7

Section 48.

### MODIFICATIONS OF PART VI OF THE RENT (SCOTLAND) ACT 1971

- 1       In section 70 (conversion of controlled tenancies of dwelling-houses provided with standard amenities and in good repair),—
- (a)   in subsection (2), the word " or " occurring after the word " certificate " and the words from " on such " to the end shall cease to have effect;
- (b)   subsection (3) shall cease to have effect.
- 2       In section 71 (application for qualification certificate), for subsections (1) and (2) there shall be substituted the following subsections—
- “(1) Where the landlord considers that the dwelling-house satisfies the qualifying conditions, he may make an application for a qualification certificate under this subsection.
- (2) An application for a qualification certificate may be made under this subsection with respect to a dwelling-house (whether or not as part of or in conjunction with an application for a grant under Part II of the Act of 1968) notwithstanding that at the time of the making of the application the dwelling-house does not satisfy the qualifying conditions.”
- 3       In section 73 (procedure on applications under section 71(2)),—
- (a)   in subsection (1), for the words " and send a copy thereof" there shall be substituted the words " , but if it does not so appear to the local authority they shall give notice to the applicant of their refusal to issue such a certificate; and they shall send a copy of the certificate or of the notice ";
- (b)   for subsection (3) there shall be substituted the following subsection—
- “(3) After the works specified in the application for a qualification certificate have been carried out and on being satisfied that the dwelling-house satisfies the qualifying conditions, the local authority shall issue the qualification certificate, but if they are not so satisfied they shall give notice to the applicant of their refusal to issue that certificate ; and they shall send a copy of the certificate or of the notice to the tenant.”
- 4       In section 74 (registration of rent on issue of qualification certificate),—
- (a)   in subsection (1), for the words from " if the certificate " to the end there shall be substituted the words " if a certificate of fair rent has been issued

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- on an application under Part I of Schedule 12 to this Act, also by a copy of that certificate. ";
- (b) in subsection (2), for the words from " qualification " to the end there shall be substituted the words " certificate of fair rent has been issued on an application under Part I of the said Schedule 12. "
- 5 In section 76 (appeal in certain cases against issue or refusal of qualification certificate),—
- (a) in subsection (1), after the word "72(2)" there shall be inserted the words " or 73(1) or (3) ", and for the words " certificate ought to be issued " there shall be substituted the words " qualification certificate or, as the case may be, the certificate of provisional approval ought to be issued ";
- (b) in subsection (2), after the word " 72(2)" there shall be inserted the words " or 73(3) ", and after the words " qualification certificate " there shall be inserted the words " or under section 73(1) of this Act of a copy of a certificate of provisional approval ".
- 6 Section 77 (postponement in certain cases of effect of qualification certificate) shall cease to have effect.
- 7 Section 78 (modifications of that Act in relation to tenancies converted under Part VI of that Act) shall cease to have effect.
- 8 In section 80 (consent of tenant),—
- (a) subsection (1) shall cease to have effect;
- (b) in subsection (2), after the words " statutory tenancy " there shall be inserted the words " (whether a controlled or a regulated tenancy) " the words " or confirm " shall cease to have effect, and for paragraph (a) there shall be substituted the following paragraph—
- “(a) those works were specified in an application for a qualification certificate under section 71(2) of this Act and a certificate of provisional approval has been issued ; or”;
- (c) in subsection (4), after the word " circumstances " there shall be inserted the words " (other than the means of the tenant) ", after the words " from the works," there shall be inserted the word " and " , and the words from " his means " to the end shall cease to have effect.
- 9 Subject to paragraphs 10, 11 and 12 below, Schedule 13 shall have effect with respect to any year of a period of delay imposed under that Schedule which begins on and after 1st January 1973 subject to the following modifications—
- (a) in paragraph 3(1), at the beginning there shall be added the words " Subject to paragraph 3(1)(c) of Part III of the Schedule to the Fire Precautions Act 1971 ", at the end of sub-paragraph (a) there shall be added the word " and ", sub-paragraph (b) shall cease to have effect and in sub-paragraph (c) for the words "aggregate of the amounts specified in paragraphs (a) and (b) above " there shall be substituted the words " amount specified in sub-paragraph (a) above ";
- (b) in paragraph 3(3) for the reference to 37½ new pence there shall be substituted a reference to 50 new pence, and in sub-paragraph (a) for the words " aggregate of the amounts specified in sub-paragraphs (1)(a) and (1)(b) " there shall be substituted the words " amount specified in sub-paragraph(1)(a) ";

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- (c) in paragraph 4(1) for the words from "the Rent" to the end there shall be substituted the words " this Act or section 36(2) of the Housing (Financial Provisions) (Scotland) Act 1972 had been served. ";
- (d) paragraphs 5, 9, 11 and 12 shall cease to have effect;
- (e) in paragraph 1(b) the word " foregoing " shall cease to have effect;
- (f) in paragraph 8 for the words from " paragraphs 1 to 6 " to the end there shall be substituted the words " the provisions of this Schedule shall apply as if it had continued and in particular paragraph 7 of this Schedule shall, subject to paragraph 8B below, apply with the necessary modifications ".
- (g) after paragraph 8 there shall be inserted the following—

*“Rent Agreements*

8A Where, after a tenancy becomes a regulated tenancy by virtue of Part VI of this Act or, as the case may be, after the completion of the works referred to in paragraph 1(b) above, an agreement increasing the rent under the tenancy (but without creating a new regulated tenancy) takes effect, whether before or after the beginning of the period of delay imposed by paragraph 2 above, then, subject to paragraph 8B below,—

- (a) the rent limit for any contractual period of the regulated tenancy beginning during that period of delay shall be the amount to which, if the agreement had not been made, the rent payable under the tenancy could have been increased in accordance with this Schedule for a statutory period beginning at the same time, and, in relation to such a contractual period, the reference in section 43(3)(a) of this Act to section 19(2) of this Act, shall be construed as a reference to this sub-paragraph, and
- (b) in relation to any statutory period of the regulated tenancy beginning during that period of delay, the provisions of this Schedule shall have effect as if the agreement had not been made.

8B If, in the period between the time when the controlled tenancy of a dwelling-house becomes a regulated tenancy by virtue of Part VI of this Act or, as the case may be, the time when the works referred to in paragraph 1(b) of this Schedule are completed, and the registration of such a rent as is mentioned in paragraph 1 of this Schedule, a rent agreement with a tenant having security of tenure within the meaning of Part V of the Housing (Financial Provisions) (Scotland) Act 1972 takes effect as respects the dwelling-house and the provisions of sections 42 and 43 or, as the case may be, sections 42 and 44, of that Act have been observed as respects the agreement, then the provisions of this Schedule shall apply as respects the period after the actual date when the rent was registered for the dwelling-house as if the date of registration had been on the date when the agreement took effect.”;

- (h) after paragraph 10 there shall be inserted the following paragraph—

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- “10A Where a registration takes effect from a date earlier than the date of registration, references in this Schedule to the date of registration shall nonetheless be references to the later date.”
- 10 If in a period of delay imposed under Schedule 13, the registration at the beginning of the period of delay is superseded by a later registration of a higher rent and the later registration is on or after 1st January 1973, then for paragraph 6(4) of that Schedule there shall be substituted the following sub-paragraph—
- “(4) If the new rent exceeds the first rent, the rent payable for any statutory period beginning after the date of registration may be increased by the difference between the first rent and the new rent but, apart from that increase, the amount to which the rent may be increased thereafter (up to the new rent) is to be determined as if the first rent had remained registered.”
- 11 Without prejudice to paragraphs 9 and 10 above, in the case of a registration of a rent on or after 1st January 1973 the said Schedule shall have effect on and after that date subject to the additional modification that in paragraph 2 (period of delay) for sub-paragraphs (a) and (b) there shall be substituted the words " a period of two years " .
- 12 Without prejudice to paragraphs 9 and 10 above, in the case of a rent registered before 1st January 1973 with respect to which there is a period of delay imposed by paragraph 2 of Schedule 13, the Schedule shall have effect on and after that date subject to the following additional modifications—
- (a) where the second year of a period of delay of four years under the Schedule begins on or after 1st January 1973 the period of delay shall instead be two years, and the fraction in the third column of the Table in paragraph 2(2) for the second year shall be three fifths, and not two fifths;
  - (b) where paragraph (a) above does not apply and any year of a period of delay of four years begins on or after 1st January 1973, the period of delay shall instead be three years, and, if the said date falls in the second year of delay, the fraction in the said third column for the third year shall be four fifths, and not three fifths.

## SCHEDULE 8

Section 70.

### TERMINATION OF PART OF EXISTING CONTRIBUTION SYSTEM

#### *Enactments described in Schedule 1 to this Act*

- 1 (1) No payment shall be made under any of the enactments described in Schedule 1 to this Act for the year 1972-73 or any subsequent year.
- (2) Subject to section 59 of this Act and without prejudice to the generality of sub-paragraph (1) above, no payment shall be made by a local authority for the year 1972-73 or any subsequent year in pursuance of any undertaking or agreement made under or by reference to any of the enactments described in Parts IV and VI of the said Schedule 1 (which includes—

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- (a) provisions authorising a local authority to enter into undertakings to make payments to other persons, and authorising payments out of money provided by Parliament to local authorities entering into such undertakings, and
  - (b) provisions requiring or authorising a local authority, on receipt of any sum, to pay to another person an amount not less than that sum).
- 2
- (1) This paragraph has effect where information given to the Secretary of State on an application duly made for a payment for the year 1971-72 or any earlier year under any enactment described in Schedule 1 to this Act includes any particulars which are, and are stated to be, based on an estimate.
  - (2) Subject to the following provisions of this Schedule, if it appears to the Secretary of State—
    - (a) that the estimate is reasonable, and
    - (b) that, assuming the estimate were correct, the information and other particulars given on the application are sufficient to enable him to determine the amount of the payment,
 he may accept the estimate and make a payment accordingly.
  - (3) Any payment made in pursuance of this paragraph so far as it is based on an estimate of the cost of land may be adjusted when the final cost of the land is ascertained.
  - (4) Where a payment is made in pursuance of this paragraph neither the housing authority nor the housing association receiving the payment nor, where the payment is made under a provision requiring a local authority to pay over to a development corporation or a housing association an amount not less than that received, the development corporation or housing association, shall be entitled to question the amount of the payment on a ground which means that the estimate was incorrect.
  - (5) Where the Secretary of State is not satisfied that the estimate is reasonable, he may, if he thinks fit, accept the application and make a payment of such amount as appears to him reasonable.
- 3
- The right to receive any payment from the Secretary of State under any of the enactments described in Schedule 1 to this Act shall be extinguished unless an application has been duly made for the payment before 1st September 1972, or such later date as he may in exceptional circumstances allow, and unless the Secretary of State is satisfied that the information and other particulars given (before that date) on the application—
- (a) are sufficient to enable him to determine the amount of the payment, or
  - (b) are such as to enable him to make a payment based on an estimate in pursuance of paragraph 2 of this Schedule.
- 4
- For the purpose of calculating the amount of exchequer contribution payable for the year 1971-72 under subsection (1) of section 2 of the Act of 1968, "financial year" in subsections (2) and (3) of that section shall have the same meaning as "year" in this Act; and accordingly subsection (6) of that section shall not apply for that purpose.
- 5
- (1) The Secretary of State may determine the total amount payable to a housing authority or to any housing association under the enactments described in Schedule 1 to this Act for any period ending not later than the end of the year 1971-72, and in determining that total amount he may take into account any over-payment made or any amount already paid to the authority or association not under statute.



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- (2) The Secretary of State may direct that a local authority shall, in consequence of a determination made by him under sub-paragraph (1) above, make such adjustment in the housing revenue account as he thinks fit.
  - (3) The Secretary of State shall pay to the housing authority or the housing association the total amount determined by him under sub-paragraph (1) above, and he may recover from the housing authority or the association any overpayment made by him under the said enactments for any period ending not later than the end of the year 1971-72.
- 6
- (1) Any sum paid, before the coming into force of this Act, by the Secretary of State for the year 1972-73 under any enactment described in Parts I, II and III of Schedule 1 to this Act shall be brought into account as follows.
    - (2) A sum so paid shall be treated as paid on account of any sums payable to the housing authority under Part I of this Act for the year 1972-73, and if the total of sums so paid exceeds the total of the sums payable under Part I of this Act for the year 1972-73, the excess shall be recoverable by the Secretary of State from the housing authority.
    - (3) If it appears to the Secretary of State at any time that, when the sums payable under Part I of this Act for the year 1972-73 are finally ascertained, any amount will be recoverable by him under sub-paragraph (2) above, he may require the housing authority to pay that amount to him forthwith, but without prejudice to any further adjustment, either way, when those sums are finally ascertained.

*Temporary accommodation provided in war buildings*

- 7
- (1) No payments shall be made under section 22(1)(b) of the Act of 1968 for the year 1972-73 or any subsequent year.
  - (2) Section 22(3) of the Act of 1968 shall cease to have effect, except where the buildings were demolished before the coming into force of this Act.

*Aluminium houses in unsatisfactory state*

- 8
- (1) Payments under subsection (2) of section 92 of the Housing Act 1964 shall not be made for the year 1972-73 or any subsequent year.
  - (2) Sub-paragraph (3) below relates to a house—
    - (a) in respect of which a payment is made for the year 1971-72 under subsection (2) of the said section 92, or
    - (b) to which the said section 92 applies and which is vacated in the year 1971-72 and in respect of which, apart from the provisions of sub-paragraph (1) above, a payment would be made under the said subsection (2).
  - (3) The Secretary of State may pay to the local authority in respect of any house referred to in sub-paragraph (2) above a sum of such amount as, in his opinion, is appropriate having regard to the residuary contribution years within "the meaning of subsection (8)(d) of the said section 92 in relation to that house:

Provided that any sum paid under this sub-paragraph shall be applied by the local authority to extinguish the outstanding debt in respect of any such house and, in so far as not so required, to reduce any debt in respect of which loan charges are required to be debited to the housing revenue account under paragraph 2 of Schedule 4 to this Act or to such other purpose as may be approved by the Secretary of State.

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- (4) Section 93 of the Housing Act 1964 shall cease to have effect, except where the request by the local authority for the demolition of the house was duly made before the date of the coming into force of this Act, and the local authority, before that date, satisfied the Secretary of State that they had taken the appropriate steps, including the disconnection of services, to enable the demolition to be carried out safely and efficiently, or the house is such a house as is referred to in sub-paragraph (2)(b) above.
- (5) Notwithstanding sub-paragraph (4) above, subsection (2) of the said section 93 shall not have effect where—
- (a) the request by the local authority for the demolition of the house was duly made before the date of the coming into force of this Act, and the local authority, before that date, satisfied the Secretary of State as described in sub-paragraph (4) above, or
  - (b) the house was demolished before the coming into force of this Act, and the house would be such a house as is referred to in sub-paragraph (2)(b) above except that it is vacated in the year 1972-73.

*Housing (Rural Workers) Acts*

- 9 The Housing (Rural Workers) Acts 1926 to 1942, except in relation to any loan made before the coming into force of this Act under section 2 of the Housing (Rural Workers) Act 1926 (and excepting any enactment so far as it relates to the rate of interest payable on such a loan), and except in relation to any contribution payable before the coming into force of this Act under section 4 of that Act, shall cease to have effect.

*Temporary housing under Act of 1944*

- 10 (1) The Housing (Temporary Accommodation) Act 1944, and any agreement under section 1 of that Act, shall cease to have effect.
- (2) So far as any agreement under the said section 1 provides for a payment by a local authority to the Secretary of State, or by the Secretary of State to a local authority, sub-paragraph (1) above shall have effect as respects payments to be made for the year 1972-73 and subsequent years.
- (3) All rights of property and other rights of the Secretary of State as respects any structure being used by a local authority in pursuance of an agreement under the said section 1 when this Act comes into force, and any obligation of the Secretary of State to any person other than the local authority as respects the removal or demolition of the structure, shall be transferred to the local authority.
- (4) Subject to sub-paragraph (3) above, all obligations of the Secretary of State as respects any such structure shall be terminated.
- (5) The provisions of the Act of 1966 relating to houses provided by a local authority under Part VII of that Act shall continue to have effect in relation to any such structure, and housing accommodation provided in any such structure shall be deemed to have been provided under the said Part VII:

Provided that any such structure, and any land on which it is situated, which immediately before the coming into force of this Act was deemed to be land acquired for the purposes of the said Part VII, may be appropriated, or disposed of, by the local authority in the same way as any other land provided under the said Part VII.

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- (6) The preceding provisions of this paragraph shall not affect any obligation of a local authority to any other person as respects the removal or demolition of any structure.
- (7) Where, under section 2 of the Act of 1944, the local authority have, before the date when this Act comes into force, duly requested the Secretary of State to cause the structure to be taken down and removed, and the local authority have, before that date, satisfied the Secretary of State that they have taken the appropriate steps, including the disconnection of services, to enable the demolition to be carried out safely and efficiently, the Secretary of State shall, notwithstanding the preceding provisions of this paragraph, comply with the request and subsections (2) and (3) of the said section 2 shall apply as respects structures, fittings and materials removed in compliance with the request.
- (8) References in this paragraph to any structure include references to any fittings forming part of the structure.

*Exchequer contributions for unfit houses retained by local authorities*

- 11 (1) Payments under section 19 of the Act of 1968—
  - (a) shall not be made for the year 1972-73 or any subsequent year, and
  - (b) shall only be made (and only for the year 1971-72 and earlier years) as regards a house approved by the Secretary of State for the purposes of the said section 19 before the end of the year 1971-72.
- (2) Where payments under the said section 19 as regards a house approved before the end of the year 1971-72 would, apart from this paragraph, fall to be paid for the year 1972-73, or for that and later years, the Secretary of State shall, subject to subsection (3) below, pay to the local authority a sum, calculated by such method as he may determine, equivalent to the value of those payments, as at the end of the year 1971-72.
- (3) In the case of payments under subsection (2)(a) of the said section 19 (payments for years during which the house is used for approved housing purposes), it shall be assumed for the purposes of sub-paragraph (2) above—
  - (a) that no payment would, apart from this paragraph, fall to be paid under the said subsection (2)(a) for the year 1972-73 or any later year if the first such payment were for the year 1961-62 or any earlier year, and
  - (b) if the first such payment were for the year 1962-63 that no such payment would be made for the year 1972-73 or any later year, and correspondingly that if the first such payment were for a year after 1962-63, that no such payment would be made for any year beginning more than ten years after the beginning of the year for which the first such payment was made,
  - (c) that any house is used in the year 1972-73, and later years, for the said approved housing purposes.
- (4) Where a local authority have taken possession of a house before the end of the year 1971-72, and—
  - (a) the house has not been approved for the purposes) of the said section 19, but
  - (b) apart from the provisions of this paragraph, it would have been eligible for approval under that section, or would have been so eligible if the local authority had purchased it,

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the Secretary of State may pay to the local authority a sum of such amount as, in his opinion, is appropriate having regard to the period for which the house is likely to be used for housing purposes, and to the date when the local authority might be expected to incur expenditure on purchasing the house.

- (5) Any capital sum paid under sub-paragraph (2) or (4) above shall be applied by the local authority to reduce the capital debt relating to any house referred to in those sub-paragraphs, and, in so far as not so required, to reduce any debt in respect of which loan charges are required to be debited to the slum clearance revenue account under paragraph 3 of Schedule 5 to this Act

*Agricultural housing accommodation*

- 12 (1) A local authority shall not approve an application for assistance under section 44 of the Act of 1968 on or after the coming into force of this Act.
- (2) An exchequer contribution under subsection (1) of section 48 of the Act of 1968 shall not be made for the year 1972-73 or any subsequent year.
- (3) Where, apart from sub-paragraph (2) above, an exchequer contribution would be made under subsection (1) of the said section 48 towards the expense incurred by a local authority in giving assistance under the said section 44 in respect of the provision of a house, the Secretary of State may pay to the local authority a sum of such amount as, in his opinion, is appropriate having regard to the number of years outstanding for which, apart from the said sub-paragraph, the exchequer contribution would be payable by virtue of subsection (2) of the said section 48.
- (4) Sub-paragraphs (2) and (3) above apply, with any necessary modifications, to an exchequer contribution under section 8 of the Housing (Agricultural Population) (Scotland) Act 1938, section 104 of the Housing (Scotland) Act 1950 or section 4 of the Housing (Scotland) Act 1952, as they apply to an exchequer contribution under the said section 48.

*Determination of disputes*

- 13 Any dispute between two or more housing authorities, or between any housing authority and any other person, as to a claim for a payment from a housing authority under any of the enactments described in Schedule 1 to this Act or this Schedule, shall be referred to and determined by the Secretary of State.

*Duty to supply information*

- 14 Every housing authority and housing association shall supply the Secretary of State with such information as he may specify, either generally or in any particular case, for the purpose of enabling the Secretary of State to make any determination or calculation as respects payments for the year 1971-72, or any earlier year under the enactments described in Schedule 1 to this Act or this Schedule, or any determination or calculation related to the termination of the housing contribution system superseded by this Act.

*Expenses of Secretary of State*

- 15 Any payments to be made by the Secretary of State under this Schedule shall be defrayed out of money paid by Parliament,

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 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.”

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

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*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.

*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

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

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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
      - (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;”.

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

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*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 facilities" 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 facilities" 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)—
- (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—



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

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- “(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 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.

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

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***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—  
     “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.”

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

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- 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—

**“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

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

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

SCHEDULE 10

Section 79.

TRANSITIONAL PROVISIONS

*Residual subsidy*

1 (1) Any amount of residual subsidy payable for the year 1972-73 under section 2(7)(b) of this Act shall be treated by the local authority as a capital receipt for that year, and the local authority shall apply it to reduce any debt in respect of which loan charges are required to be debited to the housing revenue account under paragraph 2 of Schedule 4 to this Act.

(2) In complying with the requirements of this paragraph a local authority shall act in accordance with such directions, if any, as may be given by the Secretary of State.

### *Housing Repairs Account*

- 2
- (1) No housing repairs account shall be kept for the year 1972-73 or any subsequent year.
  - (2) Any deficit or surplus in a housing repairs account as at the end of the year 1971-72 where such deficit or surplus exceeds an amount per house which is £1 for the year 1971-72 shall be treated for the year 1972-73 as a capital sum; and any such deficit shall be met by a loan for such period as may be specified, either generally or in any particular case, by the Secretary of State the charges relating to which shall be debited to the housing revenue account under paragraph 2 of Schedule 4 to this Act, and any such surplus shall be applied to reduce any debt in respect of which loan charges are required to be debited to the housing revenue account under the said paragraph 2 or to such other purpose as may be approved by the Secretary of State.
  - (3) Any deficit or surplus in a housing repairs account as at the end of the year 1971-72 where such deficit or surplus is an amount per house which is £1 or less for that year shall be debited or, as the case may be, credited to the local authority's housing revenue account for the year 1972-73, and any such deficit shall be treated as if it represented expenditure on repairs for that year in addition to any repairs actually carried out.
  - (4) Any investment under section 63 of the Act of 1968 (temporary application of money in housing accounts) of money credited to a housing repairs account shall be realised not later than the end of the year 1972-73 and the amount realised shall be applied to reduce the deficit or, as the case may be, increase the surplus referred to in subparagraphs (2) and (3) above or to create such a surplus.
  - (5) In complying with the requirements of this paragraph a local authority shall act in accordance with such directions, if any, as may be given by the Secretary of State.
  - (6) Any charges debited to the housing revenue account arising from a loan, or any reduction in loan charges debited to that account arising from any reduction of debt, resulting from the provisions of sub-paragraph (2) above shall be disregarded for the purposes of section 3 of this Act.

### *Housing Equalisation Account*

- 3
- (1) No housing equalisation account shall be kept for the year 1972-73 or any subsequent year.
  - (2) Any balance in a housing equalisation account as at the end of the year 1971-72 shall be treated for the year 1972-73 by the local authority as a capital receipt, and the local authority shall apply it to reduce any debt in respect of which loan charges are required to be debited to the housing revenue account under paragraph 2 of Schedule 4 to this Act or to such other purpose as may be approved by the Secretary of State.
  - (3) For each year the local authority shall carry to the credit of the housing revenue account amounts equal to any income, and receipts in the nature of income, being income or receipts arising to the local authority for that year from the investment or other use of money representing any sum treated as a capital receipt in pursuance of this paragraph.
  - (4) In complying with the requirements of this paragraph a local authority shall act in accordance with such directions, if any, as may be given by the Secretary of State.

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

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- (5) Any reduction in loan charges debited to the housing revenue account arising from any reduction of debt resulting from the provisions of sub-paragraph (2) above shall be disregarded for the purposes of section 3 of this Act.

*Modifications of Part VI of the Act of 1971*

- 4 An application under Part VI of the Act of 1971 as originally enacted for a qualification certificate which has not been disposed of before the coming into force of this Act shall be treated as if made under the said Part VI as modified by Schedule 7 to this Act.

SCHEDULE 11

Section 79.

REPEALS

**PART I**

HOUSING ACCOUNTS

| Chapter                     | Short Title   | Extent of Repeal   |
|-----------------------------|---|--|
| <a href="#">1968 c. 31.</a> | The Housing (Financial Provisions) (Scotland) Act 1968. | Sections 60 to 63.<br>In section 68, the proviso to subsection (1).<br>Schedule 7. |

The repeals in this Part of this Schedule have effect as respects accounts for the year 1972-73 and subsequent years.

**PART II**

CONTROLLED AND REGULATED TENANCIES

| Chapter                     | Short Title                   | Extent of Repeal   |
|-----------------------------|-------------------------------|--|
| <a href="#">1971 c. 28.</a> | The Rent (Scotland) Act 1971. | Section 8.<br>Section 19(3).<br>Section 20.<br>Section 26.<br>Section 27 except subsection (2).<br>Section 28. |

This Part of this Schedule comes into force on 1st January 1973.

The repeals of section 19(3) and section 20 of the Rent (Scotland) Act 1971, and of references to those enactments, have effect subject to the saving in section 41 of this Act.

| Chapter     | Short Title                    | Extent of Repeal   |
|-------------|--------------------------------|--|
| 1971 c. 40. | The Fire Precautions Act 1971. | <p>In section 29, the words "section 20(5) or, as the case may be,".</p> <p>In Schedule 13, paragraphs 3(1)(b) and 5. In paragraph 7(b) the word "foregoing". Paragraphs 9, 11 and 12.</p> <p>In Schedule 19, in paragraph 10 the words " without prejudice to section 28(3) of this Act" and paragraph 16(4).</p> <p>In Part III of the Schedule, in paragraph 3, sub-paragraphs (2) and (3) and in sub-paragraph (4)(a) the words " and after the word ' below' in subsection (3) ".</p> |

This Part of this Schedule comes into force on 1st January 1973.

The repeals of section 19(3) and section 20 of the Rent (Scotland) Act 1971, and of references to those enactments, have effect subject to the saving in section 41 of this Act.

### PART III

#### HOUSING SUBSIDIES

| Chapter                | Short Title  | Extent of Repeal    |
|------------------------|--|---------------------|
| 13 & 14 Geo. 5. c. 24. | The Housing, etc. Act 1923.                                | Section 1.          |
| 20 & 21 Geo. 5. c. 40. | The Housing (Scotland) Act 1930.                           | The whole Act.      |
| 21 & 22 Geo. 5. c. 39. | The Housing (Rural Authorities) Act 1931.                  | The whole Act.      |
| 23 & 24 Geo. 5. c. 16. | The Housing (Financial Provisions) (Scotland) Act 1933.    | The whole Act.      |
| 25 & 26 Geo.5. c. 41.  | The Housing (Scotland) Act 1935.                           | Sections 30 and 32. |
| 1 & 2 Geo. 6. c. 38.   | The Housing (Agricultural Population) (Scotland) Act 1938. | The whole Act.      |

The repeals in this Part of this Schedule have effect only as respects payments for the year 1972-73 and subsequent years, and have effect subject to Schedule 8 to this Act.

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

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| Chapter                                   | Short Title   | Extent of Repeal  |
|---|---|---|
| 2 & 3 Geo. 6. c. 3.                       | The Housing (Financial Provisions) (Scotland) Act 1938. | The whole Act.  |
| 7 & 8 Geo. 6. c. 36.                      | The Housing (Temporary Accommodation) Act 1944.         | The whole Act.  |
| 8 & 9 Geo. 6. c. 39.                      | The Housing (Temporary Accommodation) Act 1945.         | The whole Act.  |
| 10 & 11 Geo. 6. c. 43.                    | The Local Government (Scotland) Act 1947.               | In Schedule 6, paragraph 16.  |
| 14 Geo. 6. c. 34.                         | The Housing (Scotland) Act 1950.                        | Sections 84 to 88.<br>Section 91.<br>Sections 93 to 96.<br>Sections 100 to 104.<br>Sections 127 and 128.<br>Schedule 7.   |
| 15 & 16 Geo. 6. and 1 & 2 Eliz. 2. c. 63. | The Housing (Scotland) Act 1952.                        | The whole Act.  |
| 5 & 6 Eliz. 2. c. 38.                     | The Housing and Town Development (Scotland) Act 1957.   | Sections 1 to 7.<br>Section 23.<br>In Schedule 1, paragraphs 2 and 3.   |
| 7 & 8 Eliz. 2. c. 70.                     | The Town and Country Planning (Scotland) Act 1959.      | In section 54(1) in the definition of " grant-aided function" the words " and any Ex-chequer subsidy under any of the enactments specified in Part I of Schedule 6 to the Housing (Scotland) Act 1950". |
| 10 & 11 Eliz. 2. c. 28.                   | The Housing (Scotland) Act 1962.                        | Part I.<br>Sections 19 and 20.<br>Section 32.<br>Schedules 1 to 3.<br>In Schedule 4, paragraphs 2, 3, 7 and 8.  |
| 1964 c. 56.                               | The Housing Act 1964.                                   | Sections 92 and 93.<br>Section 98.  |

The repeals in this Part of this Schedule have effect only as respects payments for the year 1972-73 and subsequent years, and have effect subject to Schedule 8 to this Act.



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

| Chapter     | Short Title  | Extent of Repeal  |
|-------------|--|---|
| 1967 c. 20. | The Housing (Financial Provisions etc.) (Scotland) Act 1967. | The whole Act except sections 18, 21 22, and 23 and para-graph 6 of Schedule 5.   |
| 1968 c. 31. | The Housing (Financial Provisions) (Scotland) Act 1968.      | Sections 1 to 12.<br>Section 19.<br>In section 21(4) the words from " Section 12(2) " to the end.<br>Section 22.<br>Section 26.<br>Sections 44 to 48.<br>Section 55.<br>In section 57, in subsection (1)(a) the words " other than section 19 thereof, or ", and subsections (1)(b) and (2).<br>In section 58(5) the words from " and the provisions " to the end.<br>Section 59(2) so far as relating to the Housing (Scotland) Act 1950.<br>In section 64, in paragraph (a) the words " sections 100 and 104 and ", and in paragraph (b) the word " 48 ".<br>Section 70(4).<br>Schedules 1 and 2.<br>Schedule 4.<br>Schedule 5 so far as relating to the Housing (Scotland) Act 1925, the Housing (Scotland) Act 1930, the Housing (Rural Authorities) Act 1931, the Housing (Financial Provisions) (Scotland) Act 1933, the Housing (Scotland) Act 1935, the Housing (Agricultural |

The repeals in this Part of this Schedule have effect only as respects payments for the year 1972-73 and subsequent years, and have effect subject to Schedule 8 to this Act.

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

| Chapter | Short Title | Extent of Repeal   |
|---------|-------------|--|
|         |             | Population) (Scotland) Act 1938, the Housing (Financial Provisions) (Scotland) Act 1938 and the Housing and Town Development (Scotland) Act 1957.<br><br>Schedule 6 so far as relating to the Housing (Scotland) Act 1930, the Housing (Rural Authorities) Act 1931, the Housing (Scotland) Act 1935, the Housing (Agricultural Population) (Scotland) Act 1938, the Housing (Financial Provisions) (Scotland) Act 1938, sections 84 to 88, 89(3) and (4), 91, 93 and 104 of the Housing (Scotland) Act 1950, the Housing and Town Development (Scotland) Act 1957, sections 1 to 7 and 9 of the Housing (Scotland) Act 1962 and the Housing Act 1964. |

The repeals in this Part of this Schedule have effect only as respects payments for the year 1972-73 and subsequent years, and have effect subject to Schedule 8 to this Act.

#### PART IV

#### THE HOUSING (RURAL WORKERS) ACTS

| Chapter                | Short Title                                     | Extent of Repeal                                   |
|------------------------|---|--|
| 16 & 17 Geo. 5. c. 56. | The Housing (Rural Workers) Act 1926.           | The whole Act.                                     |
| 25 & 26 Geo.5. c. 41.  | The Housing (Scotland) Act 1935.                | Section 34.  |
| 1 & 2 Geo. 6. c. 35.   | The Housing (Rural Workers) Amendment Act 1938. | The whole Act.                                     |
| 5 & 6 Geo. 6. c. 32.   | The Housing (Rural Workers) Act 1942.           | The whole Act.                                     |
| 1966 c. 49.            | The Housing (Scotland) Act 1966.                | Section 151(7).                                    |
| 1968 c. 13.            | The National Loans Act 1968.                    | In section 6(1) the words " section 2(5)(a) of the |

The repeals in this Part of this Schedule have effect subject to paragraph 9 of Schedule 8 to this Act.

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

| Chapter     | Short Title   | Extent of Repeal  |
|-------------|---|---|
| 1968 c. 31. | The Housing (Financial Provisions) (Scotland) Act 1968. | Housing (Rural Workers) Act 1926 ".<br>Section 59(2) so far as relating to the Housing (Rural Workers) Act 1926.<br>Schedule 5 so far as relating to the Housing (Rural Workers) Acts 1926 to 1942.<br>Schedule 6 so far as relating to the Housing (Rural Workers) Act 1926. |

The repeals in this Part of this Schedule have effect subject to paragraph 9 of Schedule 8 to this Act.

## PART V

### OTHER REPEALS

| Chapter               | Short Title   | Extent of Repeal   |
|-----------------------|---|--|
| 5 & 6 Eliz. 2. c. 38. | The Housing and Town Development (Scotland) Act 1957. | Section 9(4)(b).   |
| 1966 c. 49.           | The Housing (Scotland) Act 1966.                      | In section 149(1), the words from "and the authority" to the end.<br>In section 151, paragraphs (a) and (b) of subsection (3) and subsections (4) and (5).<br>In section 153(2) the words " and the rents at which the houses provided are to be let".<br>In section 155(2) the words from " including " to " let".<br>Section 157.<br>In section 193, in subsection (1) the words |

The repeal of section 9(4)(b) of the Housing and Town Development (Scotland) Act 1957 has effect only as respects payments for the year 1972-73 and subsequent years.

The repeal of subsections (4) and (5) of section 151 and the repeals in section 195 of the Housing (Scotland) Act 1966 take effect on 1st October 1972 so far as the rent is payable in respect of houses to which the housing revenue account relates. Otherwise those repeals take effect on 1st January 1973.

The repeals in sections 153(2) and 155(2) of the Housing (Scotland) Act 1966 take effect on 1st January 1973.

The repeals in sections 40(5)(d) and 128(2)(d) of the Rent (Scotland) Act 1971 and the repeal of section 45 of that Act take effect on 1st January 1973.

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

| Chapter     | Short Title   | Extent of Repeal  |
|-------------|---|---|
| 1968 c. 31. | The Housing (Financial Provisions) (Scotland) Act 1968. | "Subject to the provisions of this section" and subsection (2).<br>In section 195, in subsection (5) the words " subject to subsection (6) of this section ", and subsection (6).<br>In Schedule 3, paragraph 3, in paragraph 5 the words " and 3 " and paragraph 7.  |
| 1969 c. 30. | The Town and Country Planning (Scotland) Act 1969.      | Section 39.   |
| 1971 c. 28. | The Rent (Scotland) Act 1971.                           | Section 27(2).<br>In section 40(5)(d) the words " paragraph 4(b) of Schedule 3, and ".<br>Section 45.<br>In section 70(2) the word " or " occurring after the word "certificate" and the words from " on such " to the end.<br>Section 70(3).<br>Sections 77 and 78.<br>Section 80(1).<br>In section 80(2) the words " or confirm ".<br>In section 80(4) the words from " his means " to the end.<br>In section 128(2)(d), the words " paragraph 4(b) of Schedule 3, and ". |
| 1971 c. 40. | The Fire Precautions Act 1971.                          | In section 34, the words from " the provisions of Part II" to " 1968" and the word " and ".   |

The repeal of section 9(4)(b) of the Housing and Town Development (Scotland) Act 1957 has effect only as respects payments for the year 1972-73 and subsequent years.

The repeal of subsections (4) and (5) of section 151 and the repeals in section 195 of the Housing (Scotland) Act 1966 take effect on 1st October 1972 so far as the rent is payable in respect of houses to which the housing revenue account relates. Otherwise those repeals take effect on 1st January 1973.

The repeals in sections 153(2) and 155(2) of the Housing (Scotland) Act 1966 take effect on 1st January 1973.

The repeals in sections 40(5)(d) and 128(2)(d) of the Rent (Scotland) Act 1971 and the repeal of section 45 of that Act take effect on 1st January 1973.

| Chapter | Short Title | Extent of Repeal  |
|---------|-------------|---|
|         |             | <p data-bbox="986 398 1267 430"><b>Part II of the Schedule.</b></p> <p data-bbox="240 443 1339 495">The repeal of section 9(4)(b) of the Housing and Town Development (Scotland) Act 1957 has effect only as respects payments for the year 1972-73 and subsequent years.</p> <p data-bbox="240 508 1339 582">The repeal of subsections (4) and (5) of section 151 and the repeals in section 195 of the Housing (Scotland) Act 1966 take effect on 1st October 1972 so far as the rent is payable in respect of houses to which the housing revenue account relates. Otherwise those repeals take effect on 1st January 1973.</p> <p data-bbox="240 595 1193 627">The repeals in sections 153(2) and 155(2) of the Housing (Scotland) Act 1966 take effect on 1st January 1973.</p> <p data-bbox="240 640 1339 687">The repeals in sections 40(5)(d) and 128(2)(d) of the Rent (Scotland) Act 1971 and the repeal of section 45 of that Act take effect on 1st January 1973.</p> |