



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART XV

COMPENSATION PAYMENTS

Payments for well-maintained houses

304 Payments in respect of well-maintained houses subject to closing orders, etc.

(1) If—

- (a) a house has been vacated in pursuance of a closing order or a demolition order, or purchased compulsorily under section 121 instead of the making of a closing order or a demolition order in respect of the building in which it is comprised; and
- (b) any person has, within 3 months after the service of the closing order or demolition order, or of the notice of determination to purchase required by section 121 (3), or after the confirmation of a compulsory purchase order, made a representation to the local authority that the house has been well maintained and that the good maintenance of the house is attributable wholly or partly to work carried out by him or at his expenses; and
- (c) leaving out of account any defects in the house in respect of any such matters as are mentioned in section 86, the representation is correct;

the local authority shall make to that person in respect of that house a payment calculated in accordance with section 306.

(2) If, on receiving a representation under subsection (1), the local authority consider that the condition specified in paragraph (c) of that subsection is not satisfied, they shall serve on the person by whom the representation was made notice that no payment falls to be made to him under that subsection.

(3) For the purposes of this section, a house comprised in a building which might have been the subject of a demolition order but which has, without the making of such an order, been vacated and demolished in pursuance of an undertaking for its demolition

Status: This is the original version (as it was originally enacted).

given to the local authority shall be deemed to have been vacated in pursuance of a demolition order made and served at the date when the undertaking was given.

305 Payments in respect of well-maintained houses subject to compulsory purchase as not meeting the tolerable standard

- (1) Where as respects a house which is made the subject of a compulsory purchase order under Part IV as not meeting the tolerable standard, the local authority are satisfied that it has been well maintained, they shall make a payment calculated in accordance with section 306 in respect of the house.
- (2) A payment under this section shall be made—
 - (a) if the house is occupied by an owner thereof, to him, or
 - (b) if the house is not so occupied, to the person or persons liable to maintain and repair the house, and, if more than one person is so liable, in such shares as the local authority think equitable in the circumstances:

Provided that, if any other person satisfies the local authority that the good maintenance of the house is attributable to a material extent to work carried out by him or at his expense, the authority may, if it appears to them to be equitable in the circumstances, make the payment, in whole or in part to him.

- (3) The local authority shall, along with the notice which they serve on any person under paragraph 3(b) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 in respect of the compulsory purchase of a house under Part IV, enclose a notice stating, subject to the calculation to be made under section 306, whether or not they intend to make a payment under this section in respect of the house.
- (4) Any person aggrieved by a notice under subsection (3) which states that the local authority do not intend to make a payment under this section in respect of a house may, within 21 days of service on him of that notice, refer the matter to the Secretary of State; and the Secretary of State may, if he thinks it appropriate to do so (after, if he considers it necessary, causing the house to be inspected by one of his officers), direct the local authority to make such a payment.

306 Calculation of amount payable for well-maintained houses

- (1) This section shall apply in relation to any payment in respect of a well maintained house under section 304 or section 305.
- (2) Subject to subsection (4), a payment to which this section applies shall be of an amount equal to the rateable value of the house multiplied by such multiplier as may from time to time be specified in an order made by the Secretary of State.
- (3) An order made under subsection (2) shall be made by statutory instrument which shall be of no effect unless it is approved by a resolution of each House of Parliament.
- (4) A payment to which this section applies shall not in any case exceed the amount (if any) by which the full compulsory purchase value of the house exceeds the restricted value thereof; and any question as to such value shall be determined, in default of agreement, as if it had been a question of disputed compensation arising on such a purchase.

- (5) Where a payment falls to be made in respect of any interest in a house under section 308, no payment shall be made in respect of that house under section 304 or 305.
- (6) In this section—
- "full compulsory purchase value" has the same meaning as in section 311(2);
 - "rateable value" means the rateable value entered in the valuation roll last authenticated prior to the relevant date;
 - "restricted value" has the same meaning as in section 311(2); and
 - "the relevant date" in relation to any payment made with respect to any house means—
 - (a) if the house was purchased compulsorily in pursuance of a notice served under section 121, the date when the notice was served;
 - (b) if the house was vacated in pursuance of a demolition order or a closing order, or was declared not to meet the tolerable standard by an order under paragraph 2(1) of Schedule 2 to the Land Compensation (Scotland) Act 1963, the date when the order was made.