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## SCHEDULES

### SCHEDULE 1

Section 10(4).

#### RULES AS TO ASSESSMENT OF COMPENSATION WHERE LAND PURCHASED COMPULSORILY IN CERTAIN CIRCUMSTANCES

- 1 —If the Lands Tribunal are satisfied that the rent of any premises was enhanced by reason of their being used for illegal purposes, the compensation shall, so far as it is based on rental, be based on the rental which would have been obtainable if the premises were occupied for legal purposes.
- 2 —If the Lands Tribunal are satisfied that the rent of any premises was higher than that generally obtained at the time for similar premises in the locality and that such enhanced rent was obtained by reason of the premises being overcrowded within the meaning of Part VII, the compensation shall, so far as it is based on rent, be based on the rent so generally obtained.
- 3.— The local authority may tender evidence as to the matters mentioned in paragraphs 1 or 2 although they have not taken any steps to remedy them.
- 4 —The Lands Tribunal shall (except as provided in section 15(1) of the Land Compensation (Scotland) Act 1963) have regard to, and make an allowance in respect of, any increased value which, in their opinion, will be given to other premises of the same owner by the demolition by the local authority of any buildings.
- 5 —The Lands Tribunal shall embody in their award a statement showing separately whether compensation has been reduced by reference to the use of the premises for illegal purposes, to overcrowding, and to the considerations mentioned in paragraph 4 of this Schedule, and the amount (if any) by which compensation has been reduced by reference to each of those matters.

### SCHEDULE 2

Section 44(4), (5)

#### TENANCIES WHICH ARE NOT SECURE TENANCIES

##### *Premises occupied under contract of employment*

- 1 (1) A tenancy shall not be a secure tenancy if the tenant (or one of joint tenants) is an employee of the landlord or of any local authority or development corporation, and his contract of employment requires him to occupy the house for the better performance of his duties.
- (2) In this paragraph “contract of employment” means a contract of service or of apprenticeship, whether express or implied, and (if it is express) whether it is oral or in writing.

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*Temporary letting to person seeking accommodation*

- 2 —A tenancy shall not be a secure tenancy if the house was let by the landlord expressly on a temporary basis to a person moving into an area in order to take up employment there, and for the purpose of enabling him to seek accommodation in the area.

*Temporary letting pending development*

- 3 —A tenancy shall not be a secure tenancy if the house was let by the landlord to the tenant expressly on a temporary basis, pending development affecting the house.

In this paragraph “development” has the meaning assigned to it by [<sup>F1</sup>section 26 of the Town and Country Planning (Scotland) Act 1997].

**Textual Amendments**

**F1** Words in [Sch. 2 para. 3](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 40\(3\)](#)

*Temporary accommodation during works*

- 4 —A tenancy shall not be a secure tenancy if the house is occupied by the tenant while works are being carried out on the house which he normally occupies as his home, and if he is entitled to return there after the works are completed—
- (a) by agreement; or
  - (b) by virtue of an order of the sheriff under section 48(5).

*Accommodation for homeless persons*

- 5 —A tenancy shall not be a secure tenancy if the house is being let to the tenant expressly on a temporary basis, in the fulfilment of a duty imposed on a local authority by Part II.

*[<sup>F2</sup> Accommodation for asylum-seekers]*

**Textual Amendments**

**F2** Crossheading and para. 5A inserted (11.11.1999) in Sch. 2 by [1999 c. 33, ss. 169\(1\), 170\(3\)](#), Sch. 14 para. 82

- <sup>F3</sup>5A (1) A tenancy shall not be a secure tenancy if it is granted in order to provide accommodation under Part VI of the Immigration and Asylum Act 1999.

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- (2) A tenancy mentioned in sub-paragraph (1) becomes a secure tenancy if the landlord notifies the tenant that it is to be regarded as a secure tenancy.

#### Textual Amendments

- F3** Crossheading and para. 5A inserted (11.11.1999) in Sch. 2 by 1999 c. 33, ss. 169(1), 170(3), Sch. 14 para. 82

#### *Agricultural and business premises*

- 6 —A tenancy shall not be a secure tenancy if the house—
- (a) is let together with agricultural land exceeding two acres in extent;
  - (b) consists of or includes premises which are used as a shop or office for business, trade or professional purposes;
  - (c) consists of or includes premises licensed for the sale of exciseable liquor; or
  - (d) is let in conjunction with any purpose mentioned in sub-paragraph (b) or (c).

#### *Police and fire authorities*

- 7 —A tenancy shall not be a secure tenancy if the landlord is an authority or committee mentioned in—
- (a) section 61(2)(a)(viii) and the tenant—
    - (i) is a constable of a police force, within the meaning of the Police (Scotland) Act 1967, who in pursuance of regulations under section 26 of that Act occupies the house without obligation to pay rent or rates; or
    - (ii) in a case where head (i) above does not apply, is let the house expressly on a temporary basis pending its being required for the purposes of such a police force; or
  - (b) section 61(2)(a)(ix) and the tenant—
    - (i) is a member of a fire brigade, maintained in pursuance of the <sup>M1</sup>Fire Services Act 1947, who occupies the house in consequence of a condition in his contract of employment that he live in close proximity to a particular fire station; or
    - (ii) in a case where head (i) above does not apply, is let the house expressly on a temporary basis pending its being required for the purposes of such a fire brigade.

#### Marginal Citations

- M1** 1947 c. 41.

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*Houses part of, or within curtilage of, certain other buildings*

- 8 —A tenancy shall not be a secure tenancy if the house forms part of, or is within the curtilage of, a building which mainly—
- (a) is held by the landlord for purposes other than the provision of housing accommodation; and
  - (b) consists of accommodation other than housing accommodation.

SCHEDULE 3

Sections 48 and 51.

GROUNDS FOR RECOVERY OF POSSESSION  
OF HOUSES LET UNDER SECURE TENANCIES

PART I

GROUNDS ON WHICH COURT MAY ORDER RECOVERY OF POSSESSION

- 1 —Rent lawfully due from the tenant has not been paid, or any other obligation of the tenancy has been broken.
- [<sup>F4</sup>2 (1) The tenant, a person residing or lodging in the house with the tenant or a person visiting the house has been convicted of—
- (a) using or allowing the house to be used for immoral or illegal purposes; or
  - (b) an offence punishable by imprisonment committed in, or in the locality of, the house.
- (2) In sub-paragraph (1) above “tenant” includes any one of joint tenants and any sub-tenant.]

**Textual Amendments**

**F4** Sch. 3 para. 2 substituted (with restrictions) (1.12.1998) by 1998 c. 37, s. 23(2)(5); S.I. 1998/2327, art. 4

- 3 —The condition of the house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant (or any one of joint tenants) or any person residing or lodging with him or any sub-tenant of his; and in the case of acts of waste by, or the neglect or default of, a person lodging with a tenant or by a sub-tenant of his, the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this paragraph, “the common parts” means any part of a building containing the house and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other houses.

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- 4 —The condition of any furniture provided for use under the tenancy, or for use in any of the common parts (within the meaning given in paragraph 3), has deteriorated owing to ill-treatment by the tenant (or any one of joint tenants) or any person residing or lodging with him or any sub-tenant of his; and in the case of ill-treatment by a person lodging with a tenant or a sub-tenant of his the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.
- 5 —The tenant and his spouse have been absent from the house without reasonable cause for a continuous period exceeding 6 months or have ceased to occupy the house as their principal home.
- 6 —The tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by the tenant.
- [<sup>F57</sup> (1) The tenant, a person residing or lodging in the house with the tenant or a person visiting the house has—
- (a) acted in an anti-social manner in relation to a person residing, visiting or otherwise engaging in lawful activity in the locality; or
  - (b) pursued a course of anti-social conduct in relation to such a person as is mentioned in head (a) above,
- and it is not reasonable in all the circumstances that the landlord should be required to make other accommodation available to him.
- (2) In sub-paragraph (1) above—
- “anti-social”, in relation to an action or course of conduct, means causing or likely to cause alarm, distress, nuisance or annoyance;
  - “conduct” includes speech and a course of conduct must involve conduct on at least two occasions; and
  - “tenant” includes any one of joint tenants and any sub-tenant.]

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**Textual Amendments**

**F5** Sch. 3 para. 7 substituted (with restrictions) (1.12.1998) by 1998 c. 37, s. 23(3)(5); S.I. 1998/2327, art. 4

- 8 —The tenant of the house (or any one of joint tenants) or any person residing or lodging with him or any sub-tenant of his has been guilty of conduct in or in the vicinity of the house which is a nuisance or annoyance and in the opinion of the landlord it is appropriate in the circumstances to require the tenant to move to other accommodation.
- 9 —The house is overcrowded, within the meaning of section 135, in such circumstances as to render the occupier guilty of an offence.

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- 10 —It is intended within a reasonable period of time to demolish, or carry out substantial work on, the building or a part of the building which comprises or includes the house, and such demolition or work cannot reasonably take place without the landlord obtaining possession of the house.
- 11 —The house has been designed or adapted for occupation by a person whose special needs require accommodation of the kind provided by the house and—
- (a) there is no longer a person with such special needs occupying the house; and
  - (b) the landlord requires it for occupation (whether alone or with other members of his family) by a person who has such special needs.
- 12 —The house forms part of a group of houses which has been designed, or which has been provided with or located near facilities, for persons in need of special social support, and—
- (a) there is no longer a person with such a need occupying the house; and
  - (b) the landlord requires it for occupation (whether alone or with other members of his family) by a person who has such a need.
- 13 —The landlord is a housing association which has as its object, or as one of its objects, the housing of persons who are in a special category by reason of age, infirmity, disability or social circumstances and the tenant (or one of joint tenants), having been granted a tenancy as a person falling into such a special category, has ceased to be in the special category, or for other reasons the accommodation in the house is no longer suitable for his needs, and the accommodation is required for someone who is in a special category.
- 14 —The interest of the landlord in the house is that of a lessee under a lease and that lease either—
- (a) has terminated, or
  - (b) will terminate within a period of 6 months from the date of raising of proceedings for recovery of possession.
- 15
- (a) The landlord is [<sup>F6</sup>the council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) for Orkney Islands, Shetland Islands or Western Isles]; and
  - (b) the house is—
    - (i) held by the council for the purposes of its functions as education authority; and
    - (ii) required for the accommodation of a person who is or will be employed by the council for those purposes; and
  - (c) the council cannot reasonably provide a suitable alternative house for the accommodation referred to in sub-paragraph (b)(ii); and
  - (d) the tenant (or any one of joint tenants) is, or at any time during the tenancy has been or, where the tenancy passed to the existing tenant

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under section 52, the previous tenant at any time during the tenancy was, employed by the council for the purposes of its functions as education authority and such employment has terminated or notice of termination has been given.

#### Textual Amendments

**F6** Words in [Sch. 3 Pt. I para. 15\(a\)](#) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 152\(8\)](#); [S.I. 1996/323, art. 4](#)

- 16 —The landlord wishes to transfer the secure tenancy of the house to—
- (a) the tenant’s spouse (or former spouse); or
  - (b) a person with whom the tenant has been living as husband and wife, who has applied to the landlord for such transfer; and either the tenant or (as the case may be) the spouse, former spouse or person, no longer wishes to live together with the other in the house.

## PART II

### SUITABILITY OF ACCOMMODATION

- 1 —For the purposes of sections 48(3) and 51(3), accommodation is suitable if—
- (a) it consists of premises which are to be let as a separate dwelling under a secure tenancy or under a protected tenancy within the meaning of the Rent (Scotland) Act 1984 [<sup>F7</sup>or under an assured tenancy within the meaning of the Housing (Scotland) Act 1988]; and
  - (b) it is reasonably suitable to the needs of the tenant and his family.

#### Textual Amendments

**F7** Words inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 72\(2\)](#), [Sch. 9 para. 21](#)

- 2 —In determining whether accommodation is reasonably suitable to the needs of the tenant and his family, regard shall be had to—
- (a) its proximity to the place of work (including attendance at an educational institution) of the tenant and of other members of his family, compared with his existing house;
  - (b) the extent of the accommodation required by the tenant and his family;
  - (c) the character of the accommodation offered compared to his existing house;
  - (d) the terms on which the accommodation is offered to the tenant compared with the terms of his existing tenancy;
  - (e) if any furniture was provided by the landlord for use under the existing tenancy, whether furniture is to be provided for use under the new tenancy which is of a comparable nature in relation to the needs of the tenant and his family;

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(f) any special needs of the tenant or his family.

- 3 —If the landlord has made an offer in writing to the tenant of new accommodation which complies with paragraph 1(a) and which appears to it to be suitable, specifying the date when the accommodation will be available and the date (not being less than 14 days from the date of the offer) by which the offer must be accepted, the accommodation so offered shall be deemed to be suitable if—
- (a) the landlord shows that the tenant accepted the offer within the time duly specified in the offer; or
  - (b) the landlord shows that the tenant did not so accept the offer, and the tenant does not satisfy the court that he acted reasonably in failing to accept the offer.

#### SCHEDULE 4

Section 55(6).

#### TERMS OF SECURE TENANCY RELATING TO SUBLETTING, ETC.

- 1 —A secure tenant who wishes to assign, sublet or otherwise give up to another person possession of the house which is the subject of the secure tenancy or any part thereof or take in a lodger shall serve on the landlord an application in writing for the landlord's consent, giving details of the proposed transaction, and in particular of any payment which has been or is to be received by the tenant in consideration of the transaction.
- 2 —In relation to an application under paragraph 1, the landlord may consent, or may refuse consent, provided that it is not refused unreasonably.
- 3
- (a) The landlord shall serve on the tenant notice in writing of consent or refusal, and in the case of refusal the reasons therefor, within one month of receipt of the application;
  - (b) where the landlord fails to serve a notice in accordance with paragraph (a) within the period therein mentioned, the landlord shall be deemed to have consented to the application.
- 4 —A tenant who is aggrieved by a refusal (other than a refusal on the grounds provided for in section 55(2)) may raise proceedings by summary application in the sheriff court of the district in which the house is situated.
- 5 —In proceedings under paragraph 4, the sheriff shall order the landlord to consent to the application unless it appears to him that the refusal is reasonable.
- 6 —In deciding whether a refusal is reasonable the sheriff shall have regard in particular to—



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- (a) whether the consent would lead to overcrowding of the house in such circumstances as to render the occupier guilty of an offence under section 139; and
- (b) whether the landlord proposes to carry out works on the house or on the building of which it forms part so that the proposed works will affect the accommodation likely to be used by the sub-tenant or lodger who would reside in the house as a result of the consent.

## SCHEDULE 5

Section 57(3).

## TERMS OF SECURE TENANCY RELATING TO ALTERATIONS, ETC TO HOUSE

- 1 —A secure tenant who wishes to carry out work shall serve on the landlord an application in writing for the landlord's consent, giving details of the work proposed to be carried out.
- 2 —In relation to an application under paragraph 1, the landlord may—
  - (a) consent;
  - (b) refuse consent, provided that it is not refused unreasonably; or
  - (c) consent subject to such reasonable conditions as the landlord may impose.
- 3 —The landlord shall intimate consent or refusal, and any conditions imposed, and in the case of refusal the reasons therefor, to the tenant in writing within one month of receipt of the application.
- 4 —In the event that the landlord fails to make intimation in accordance with paragraph 3 within the period therein mentioned, the landlord shall be deemed to have consented to the application.
- 5 —A tenant who is aggrieved by a refusal, or by any condition imposed under paragraph 2(c), may raise proceedings by summary application in the sheriff court of the district in which the house is situated.
- 6 —In proceedings under paragraph 5, the sheriff shall order the landlord to consent to the application or, as the case may be, to withdraw the condition unless it appears to him that the refusal or condition is reasonable.
- 7 —In deciding whether a refusal or a condition is reasonable the sheriff shall have regard in particular to—
  - (a) the safety of occupiers of the house or of any other premises;
  - (b) any expenditure which the landlord is likely to incur as a result of the work;

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- (c) whether the work is likely to reduce the value of the house or of any premises of which it forms part, or to make the house or such premises less suitable for letting or for sale; and
- (d) any effect which the work is likely to have on the extent of the accommodation provided by the house.

## SCHEDULE 6

Section 77(3).

### VESTING ORDER UNDER SECTION 77: MODIFICATION OF ENACTMENTS

*[<sup>F8</sup>The Town and Country Planning (Scotland) Act 1997 (c. 8)]*

#### Textual Amendments

**F8** Sch. 6 heading substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 40(4)(a)**

- 1 —Paragraphs 1(2), 6 to 13 and 16 to 39 of [<sup>F9</sup>Schedule 15] only shall apply and in them any reference to a general vesting declaration shall be treated as a reference to an order under section 77.

#### Textual Amendments

**F9** Words in Sch. 6 para. 1 substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 40(4)(b)**

- 2 —The references in paragraphs 6, 7 and 37 of that Schedule to the end of the period specified in a general vesting declaration shall be treated as references to the date on which such an order comes into force and the reference in paragraph 9 thereof to the acquiring authority having made a general vesting declaration shall be treated as a reference to such order having come into force.
- 3 —In paragraph 6 of that Schedule—
- (a) the reference to every person on whom, under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845, the acquiring authority could have served a notice to treat, shall be treated as a reference to every person whose interest in the land to which such order relates is vested by the order in the landlord; and
  - (b) sub-paragraph (a) shall be omitted.
- 4 —The reference in paragraph 20(2) of that Schedule to the date on which the notice required by paragraph 4 thereof is served on any person shall be treated as a reference to the date on which such an order comes into force.
- 5 —In paragraph 29 of that Schedule—
- (a) sub-paragraph (1)(a) shall be omitted; and
  - (b) the reference in sub-paragraph (1)(b) to the date on which a person first had knowledge of the execution of the general vesting declaration shall be treated as a reference to the date on which such order came into force.

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*The Land Compensation (Scotland) Act 1963 (c.51)*

- 6 —Any reference to the date of service of a notice to treat shall be treated as a reference to the date on which an order under section 77 comes into force.
- 7 —Section 25(2) shall be treated as if for the words “the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority” there were substituted the words “an order under section 77 of the Housing (Scotland) Act 1987 vesting the land in which the interest subsists in the landlord has come into force, or an agreement has been made for the sale of the interest to the landlord”.
- 8 —In section 30—  
(a) subsection (2) shall be treated as if at the end of paragraph (c) there were added the words—  
“; or—  
(d) where an order has been made under section 77 of the Housing (Scotland) Act 1987 vesting the land in which the interest subsists in the landlord.”; and  
(b) subsection (3) shall be treated as if in paragraph (a) the words “ “or (d)” ” were inserted after the words “subsection (2)(b)”.
- 9 —Any reference to a notice to treat in section 45(2) shall be treated as a reference to an order under the said section 77.
- 10 —In Schedule 2, paragraph 2(1)(a) shall be treated as if the words “or the coming into force of an order under section 77 of the Housing (Scotland) Act 1987 for the vesting of the land in the landlord” were inserted after the word “land”.

[<sup>F10</sup>SCHEDULE 6A

CONSULTATION BEFORE DISPOSAL TO PRIVATE SECTOR LANDLORD]

**Textual Amendments**

**F10** Sch. 6A inserted (21.2.1992) by [Housing Act 1988 \(c. 50, SIF 61\)](#) s. 135(2)(3), Sch. 16; [S.I. 1992/324, art.2](#)

*Disposals to which this Schedule applies*

- 1 (1) This Schedule applies to the disposal by a local authority of an interest in land as a result of which a secure tenant of the local authority will become the tenant of a private sector landlord.
- (2) For the purposes of this Schedule the grant of an option which if exercised would result in a secure tenant of a local authority becoming the tenant of a private sector landlord shall be treated as a disposal of the interest which is the subject of the option.

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- (3) Where a disposal of land by a local authority is in part a disposal to which this Schedule applies, the provisions of this Schedule apply to that part as to a separate disposal.
- (4) In this paragraph “private sector landlord” means a person other than one of those set out in sub-paragraphs (i) to (iv) and (viii) and (ix) of paragraph (a) of subsection (2) of section 61.

*Application for Secretary of State’s consent*

- 2 (1) The Secretary of State shall not entertain an application for his consent under section 12(7) to a disposal to which this Schedule applies unless the local authority certify either—
  - (a) that the requirements of paragraph 3 as to consultation have been complied with, or
  - (b) that the requirements of that paragraph as to consultation have been complied with except in relation to tenants expected to have vacated the house in question before the disposal;
 and the certificate shall be accompanied by a copy of the notices given by the local authority in accordance with that paragraph.
- (2) Where the certificate is in the latter form, the Secretary of State shall not determine the application until the local authority certify as regards the tenants not originally consulted—
  - (a) that they have vacated the house in question, or
  - (b) that the requirements of paragraph 3 as to consultation have been complied with;
 and a certificate under sub-paragraph (b) shall be accompanied by a copy of the notices given by the local authority in accordance with paragraph 3.

*Requirements as to consultation*

- 3 (1) The requirements as to consultation referred to above are as follows.
- (2) The local authority shall serve notice in writing on the tenant informing him of—
  - (a) such details of their proposal as the local authority consider appropriate, but including the identity of the person to whom the disposal is to be made,
  - (b) the likely consequences of the disposal for the tenant, and
  - (c) the effect of section 81A and the provision made under it (preservation of right to buy on disposal to private sector landlord) and of this Schedule,
 and informing him that he may, within such reasonable period as may be specified in the notice, which must be at least 28 days after the service of the notice, make representations to the local authority.
- (3) The local authority shall consider any representations made to them within that period and shall serve a further written notice on the tenant informing him—
  - (a) of any significant changes in their proposal, and

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- (b) that he may within such period as is specified (which must be at least 28 days after the service of the notice) communicate to the Secretary of State his objection to the proposal,  
and informing him of the effect of paragraph 5 (consent to be withheld if majority of tenants are opposed).

*Power to require further consultation*

- 4 The Secretary of State may require the local authority to carry out such further consultation with their tenants, and to give him such information as to the results of that consultation, as he may direct.

*Consent to be withheld if majority of tenants are opposed*

- 5 (1) The Secretary of State shall not give his consent if it appears to him that a majority of the tenants of the houses to which the application relates do not wish the disposal to proceed; but this does not affect his general discretion to refuse consent on grounds relating to whether a disposal has the support of the tenants or on any other ground.  
(2) In making his decision the Secretary of State may have regard to any information available to him; and the local authority shall give him such information as to the representations made to them by tenants and others, and other relevant matters, as he may require.

*Protection of purchasers*

- 6 The Secretary of State's consent to a disposal is not invalidated by a failure on his part or that of the local authority to comply with the requirements of this Schedule.

SCHEDULE 7

Section 93.

**PART I**

**CONSENT TO DEMOLITION OF LISTED  
BUILDINGS IN HOUSING ACTION AREAS, ETC.**

*Buildings subject to compulsory purchase orders for demolition subsequently listed*

- 1 (1) In this paragraph, references to a compulsory purchase order are to a compulsory purchase order made under the provisions of Part IV in so far as the order relates to a building acquired for demolition under those provisions.  
(2) Where a building to which a compulsory purchase order applies is (at any time after the making of the order) included in a list of buildings of special architectural or historic interest under <sup>F11</sup>section 1 of the Planning (Listed Buildings and

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- Conservation Areas) (Scotland) Act 1997] or under any corresponding enactment repealed by that Act, the local authority making the order or its successor in the exercise of its functions relating to the order may, subject to sub-paragraph (3), apply to the Secretary of State (and only to him) under <sup>F11</sup>sections 6 to 8 of the said Act of 1997] for consent to the demolition of the building.
- (3) No such application may be made by virtue of sub-paragraph (2) after the expiry of the period of 3 months beginning with the date on which the building is included on the said list.
- (4) The following provisions of this paragraph shall have effect where—
- (a) an application for consent has been made under <sup>F12</sup>the said sections 6 to 8], by virtue of sub-paragraph (2), and has been refused, or
  - (b) the period of 3 months mentioned in sub-paragraph (3) has expired without the authority having made such an application,
- and in this paragraph “relevant date” means the date of the refusal or, as the case may be, of the expiry of the period of 3 months.
- (5) If, at the relevant date—
- (a) the building has not vested in the authority, and
  - (b) no notice to treat has been served by the authority under section 17 of the <sup>M2</sup>Lands Clauses Consolidation (Scotland) Act 1845, in respect of any interest in the building,
- the compulsory purchase order shall cease to have effect in relation to the building and, where applicable, the building shall cease to be comprised in a housing action area.
- (6) Where a compulsory purchase order ceases to have effect, by virtue of sub-paragraph (5), in relation to a house which does not meet the tolerable standard, the authority concerned shall, in respect of the house, forthwith—
- (a) serve a notice under section 108 (power of local authority to secure repair of house in state of serious disrepair), or
  - (b) make a closing order under Part VI,
- whichever is appropriate.
- (7) Where sub-paragraph (5) does not apply, the authority shall cease to be subject to the duty to demolish the building, and in relation to any interest in the building which at the relevant date has not vested in the authority the compulsory purchase order shall have effect as if—
- (a) in the case of a house, it had been made and confirmed under Part I, and
  - (b) in any other case, it had been made and confirmed under <sup>F13</sup>Part VIII of the Town and Country Planning (Scotland) Act 1997].
- (8) If the building, or any interest in the building, was vested in the authority at the relevant date, it shall be treated—
- (a) in the case of a house, as appropriated to the purposes of Part I, and
  - (b) in any other case, as appropriated to the purposes of <sup>F14</sup>Part VIII of the said Act of 1997].
- (9) As respects a building falling within sub-paragraph (2), where no notice to treat has, at the date on which the building is included in the list referred to in that sub-paragraph, been served under section 17 of the <sup>M3</sup>Lands Clauses Consolidation

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(Scotland) Act 1845, the authority shall not serve such a notice until after the relevant date.

#### Textual Amendments

- F11** Words in Sch. 7 para. 1(2) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(5)(a)  
**F12** Words in Sch. 7 para. 1(4)(a) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(5)(b)  
**F13** Words in Sch. 7 para. 1(7)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(5)(c)  
**F14** Words in Sch. 7 para. 1(8)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(5)(d)

#### Marginal Citations

- M2** 1845 c. 19.  
**M3** 1845 c. 19.

#### *Buildings acquired by agreement for demolition subsequently listed*

- 2 (1) Where Part IV applies to a building purchased by a local authority by agreement, and at any time the building is included in a list of buildings of special architectural or historic interest under [<sup>F15</sup>section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] or under any corresponding enactment repealed by that Act, the authority or its successor in the exercise of the powers conferred by Part IV may, subject to sub-paragraph (2), apply to the Secretary of State (and only to him) under [<sup>F15</sup>the said sections 6 to 8] for consent to the demolition of the building.
- (2) No such application may be made by virtue of sub-paragraph (1) after the expiry of the period of 3 months beginning with the date on which the building is included on the said list.
- (3) Where—
- (a) an application for consent has been made under [<sup>F16</sup>the said sections 6 to 8], by virtue of sub-paragraph (1), and has been refused, or
  - (b) the period of 3 months mentioned in sub-paragraph (2) has expired without the authority having made such an application,
- the authority shall cease to be subject to the duty imposed by Part IV to demolish the building, which shall be treated—
- (i) in the case of a house, as appropriated to the purposes of Part I of this Act, and
  - (ii) in any other case, as appropriated to the purposes of [<sup>F16</sup>Part VIII of the Town and Country Planning (Scotland) Act 1997].

#### Textual Amendments

- F15** Words in Sch. 7 para. 2(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(6)(a)  
**F16** Words in Sch. 7 para. 2(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(6)(b)

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## PART II

### REHABILITATION ORDERS

#### *Application and effect of rehabilitation orders*

- 3 (1) This Part of this Schedule applies to any house which—
- (a) is included in a clearance area under Part III of the <sup>M4</sup>Act of 1966, or
  - (b) is included in a housing treatment area under Part I of the <sup>M5</sup>Act of 1969, where the resolution for the area provides for the demolition of the house, being a house which—
    - (i) has been purchased by agreement or compulsorily at any time before 2nd December 1974 under section 38 of the Act of 1966 or section 7 of the Act of 1969 (provisions regarding acquisition of land in such areas), or
    - (ii) is subject to a compulsory purchase order which was made under the said section 38 or under the said section 7 (but not confirmed) before 2nd December 1974 and which, before 2nd March 1975, has been confirmed in accordance with Schedule 3 to the Act of 1966 or (as the case may be) in accordance with Schedule 1 to the <sup>M6</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as applied by the said section 7, or
    - (iii) has been included in the area by virtue of section 41 of the Act of 1966 or section 9 of the Act of 1969 (land already belonging to the local authority).
- (2) Where any house to which this Part of this Schedule applies in terms of sub-paragraph (1) does not comply with the full standard as defined in paragraph 12 and, in the opinion of the local authority, it is capable of being and ought to be improved to that standard, the authority may make and submit to the Secretary of State an order (in this Part of this Schedule referred to as a “rehabilitation order”) in relation to the house.
- (3) In addition to applying to any house to which this Part of this Schedule applies in terms of sub-paragraph (1), a rehabilitation order may, if the local authority think fit, be made to apply to any other relevant land, as defined in paragraph 12.
- (4) On the date on which a rehabilitation order becomes operative, the local authority shall cease to be subject to any duty to demolish or secure the demolition of buildings on any land included in the order, imposed by Part III of the Act of 1966 or Part I of the Act of 1969.
- (5) Where by virtue of sub-paragraph (4) a local authority are freed from the duty to demolish or secure the demolition of a house which does not comply with the full standard, the authority shall take such steps as are necessary—
- (a) to bring the house up to the full standard, or
  - (b) where it is not vested in the authority, to ensure that it is brought up to that standard.
- (6) A local authority may accept undertakings for the purpose of sub-paragraph (5)(b) from the owner of a house, or any other person who has or will have an interest in a house, concerning works to be carried out to bring it up to the full standard and the time within which they are to be carried out.
- (7) Any reference in sub-paragraph (2), (5) or (6) to a house being improved or brought up to the full standard shall be construed as including a reference to a house, after



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integration with any other house to which this Part of this Schedule applies and which does not comply with the full standard, being improved or brought up to the full standard.

#### Marginal Citations

- M4** 1966 c. 49.  
**M5** 1969 c. 34.  
**M6** 1947 c. 42.

#### *Miscellaneous provisions relative to rehabilitation orders*

- 4 —Where the owner of a house to which this Part of this Schedule applies in terms of paragraph 3(1), and which does not comply with the full standard, requests the local authority to make a rehabilitation order in respect of the house, and the authority refuse to make the order, they shall give him in writing their reasons for so refusing.
- 5 —Where a local authority have made a rehabilitation order they shall not, until after the date on which the order becomes operative or on which confirmation of the order is refused—
- (a) serve notice to treat, under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845, in respect of any land included in a compulsory purchase order made and confirmed by virtue of section 38 of the Act of 1966 or section 7 of the Act of 1969 which includes notice land as defined in paragraph 12; or
  - (b) demolish, without the consent of the Secretary of State, any building on notice land.
- 6 (1) Where—
- (a) land included in a compulsory purchase order, made and confirmed by virtue of the said section 38 or the said section 7, is comprised in a rehabilitation order, and
  - (b) the rehabilitation order becomes operative in respect of that land, and
  - (c) no interest in the land has vested in the local authority before the date on which the rehabilitation order becomes operative, and
  - (d) neither the local authority nor a previous local authority entitled to serve a notice to treat in respect of any interest in the land under section 17 of the said Act of 1845 have done so before that date,
- the compulsory purchase order shall cease to have effect in relation to that land on that date, and if the land is included in a clearance area or housing treatment area, it shall cease to be so included.
- (2) On and after the date on which a rehabilitation order becomes operative, in a case where sub-paragraph (1) does not apply in relation to an area of land comprised in that order, any compulsory purchase order relating to that land and confirmed by virtue of the said section 38 or the said section 7 shall have effect in relation to any interest in that land which at the said date was not vested in the authority—
- (a) in so far as it relates to a house, as if it had been made and confirmed under Part I of this Act, and
  - (b) in so far as it relates to land other than a house, as if it had been made and confirmed under [F17]Part VIII of the Town and Country Planning (Scotland) Act 1997].

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- (3) Where a rehabilitation order becomes operative in respect of an area of land and any interest in that land is vested in the local authority at the date when the order becomes operative—
- (a) any such interest in a house shall be treated as appropriated to the purposes of Part I of this Act, and
  - (b) any such interest in land other than a house shall be treated as appropriated to the purposes of <sup>F18</sup>Part VIII of the said Act of 1997].

#### Textual Amendments

**F17** Words in Sch. 7 para. 6(2)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(7)(a)

**F18** Words in Sch. 7 para. 6(3)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(7)(b)

- 7 —A rehabilitation order may be made and confirmed notwithstanding that the effect of the order in excluding any land from a clearance area or from a housing treatment area is to sever that area into two or more parts; and in any such case the provisions applicable to the area in Part III of the Act of 1966 or in Part I of the Act of 1969, relating to the effect of a compulsory purchase order when confirmed and to the proceedings to be taken after confirmation of such an order, shall apply as if those parts formed one clearance area or housing treatment area, as the case may be.

#### *Procedure for making and confirming rehabilitation orders*

- 8 —A rehabilitation order shall be made in the prescribed form and shall describe, by reference to a map—
- (a) the house to which, in terms of paragraph 3(1), it applies, and
  - (b) the other land to which, in terms of paragraph 3(3), it applies.
- 9 (1) Before submitting a rehabilitation order to the Secretary of State for confirmation, the local authority, except in so far as the Secretary of State directs otherwise—
- (a) shall publish in one or more newspapers circulating within their district a notice in the prescribed form stating that such an order has been made and describing the land to which it applies, and naming a place where a copy of the order and its accompanying map may be seen at all reasonable hours, and
  - (b) shall serve on any such person as is specified in sub-paragraph (2) a notice in the prescribed form stating—
    - (i) the effect of the rehabilitation order,
    - (ii) that it is about to be submitted to the Secretary of State for confirmation, and
    - (iii) the time within which and the manner in which objections to the order can be made.
- (2) The persons mentioned in sub-paragraph (1)(b) are—
- (a) every person on whom notice was served of the making by virtue of section 38 of the Act of 1966 or section 7 of the Act of 1969 of any compulsory purchase order which, at the date of its confirmation, included any land subsequently comprised in the rehabilitation order;
  - (b) every successor in title of such a person;
  - (c) every owner, lessee and occupier of the relevant land other than a tenant for a month or a period less than a month;

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- (d) creditors in heritable securities over relevant land, so far as it is reasonably practicable to ascertain such persons; and
  - (e) every person on whom notice would have been required to be served under head (c) or (d) whose interest has been acquired under the said section 38 since the clearance area was declared to be such an area or (as the case may be) under the said section 7 since the housing treatment area was declared to be such an area.
- (3) A notice under this paragraph shall be accompanied by a statement of the grounds on which the local authority are seeking confirmation of the rehabilitation order.
- (4) A notice under this paragraph shall be served in accordance with section 5(3) of and paragraph 19 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.
- 10 (1) If no objection is duly made by any of the persons on whom notices are to be served under paragraph 9, or if all objections so made are withdrawn, the Secretary of State may confirm the order with or without modifications.
- (2) If any objection duly made is not withdrawn, the Secretary of State, before confirming the order, shall cause a public local inquiry to be held or afford to any person by whom an objection has been duly made and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (3) After considering any objection not withdrawn and the report of the person who held the inquiry or of the person appointed under sub-paragraph (2), the Secretary of State may confirm the order with or without modifications.
- (4) The Secretary of State may require any person who has made an objection to state the grounds of the objection in writing, and may disregard the objection if he is satisfied that it relates exclusively to matters which can be dealt with by the tribunal by whom any compensation is to be assessed.
- (5) The Secretary of State's power to modify a rehabilitation order includes power, subject to sub-paragraph (6), to extend it to any notice land.
- (6) The Secretary of State shall not extend the application of a rehabilitation order to any land unless he has served on the following persons, namely—
  - (a) the local authority who made the rehabilitation order,
  - (b) every owner, lessee and occupier of that land, except a tenant for a month or a period less than a month, and
  - (c) so far as it is reasonably practicable to ascertain such persons, on the creditor in every heritable security over any such land,a notice stating the effect of his proposals, and has afforded them an opportunity to make their views known.
- 11 Paragraphs 6, 15 and 16 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (notification, challenge of validity and date of operation of orders) shall apply in relation to rehabilitation orders as if—
  - (a) any reference to a compulsory purchase order were a reference to a rehabilitation order and any reference to compulsory purchase were a reference to rehabilitation under this Part of this Schedule;
  - (b) any reference to the acquiring authority were a reference to the local authority;

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- (c) the reference in the said paragraph 6 to paragraph 3 of that Schedule were a reference to paragraph 9 of this Schedule;
- (d) the reference in the said paragraph 15 to any such enactment as is mentioned in section 1(1) of that Act were a reference to this Part of this Schedule;
- (e) the references in the said paragraph 15 to any requirement of that Act and to any requirement of that Schedule thereof were references to any requirement of this Part of this Schedule and of any provision of that Act (or that Schedule, as the case may be) applicable to the rehabilitation order;
- (f) the references in the said paragraphs 15 and 16 to a certificate under Part III of that Schedule were deleted.

#### *Interpretation of this Part of this Schedule*

- 12 —In this Part of this Schedule, unless the context otherwise requires—
- “clearance area” means a clearance area under Part III of the Housing (Scotland) Act 1966;
  - “full standard”, in relation to a house, means the standard of a house which—
    - (a) meets the tolerable standard;
    - (b) is in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the house; and
    - (c) is provided with all of the standard amenities;
  - “housing treatment area” means a housing treatment area under Part I of the <sup>M7</sup>Housing (Scotland) Act 1969;
  - “notice land” means land in relation to which a notice is to be served under paragraph 9;
  - “relevant land” means—
    - (a) land in the clearance area or housing treatment area (as the case may be), including land which has been included in that area by virtue of section 41 of the Act of 1966 or section 9 of the Act of 1969 (land already belonging to the local authority); or
    - (b) land surrounded by or adjoining that area, which the local authority or a previous local authority entitled to purchase the land under section 37 of the Act of 1966 or under section 6 of the Act of 1969 have determined to purchase (whether or not it has been so purchased).

#### **Marginal Citations**

M7 1969 c. 34.

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### PART III

#### APPLICATION OF ENACTMENTS RELATING TO COMPENSATION ON COMPULSORY PURCHASE, ETC., TO CASES UNDER PART I OR PART II OF THIS SCHEDULE

##### *Compensation*

- 13 (1) Where, under Part I or II of this Schedule, a compulsory purchase order is to be treated as made under Part I of this Act or [<sup>F19</sup>Part VIII of the Town and Country Planning (Scotland) Act 1997], compensation for the compulsory acquisition of the land comprised in the compulsory purchase order is to be assessed in accordance with the provisions applying to a compulsory acquisition under Part I of this Act or, as the case may be, [<sup>F19</sup>Part VIII of the Act of 1997].
- (2) Where, under Part I or II of this Schedule, land or any interest in land within any area is to be treated as appropriated by a local authority to the purposes of Part I of this Act, compensation for its compulsory acquisition shall (where it increases the amount) be assessed or re-assessed in accordance with the provisions applying to a compulsory acquisition under [<sup>F20</sup>Part I of this Act].
- (3) Where, under paragraph 2 of Part I of this Schedule, or under Part II, any interest in land acquired by a local authority by agreement (after the declaration of a housing action area which relates to that land) is to be treated as appropriated for the purposes of Part I of this Act—
- (a) compensation shall (where sub-paragraph (2) would have increased the amount) be assessed and paid as if the acquisition were a compulsory acquisition, under [<sup>F21</sup>Part III of Schedule 8], to which the said sub-paragraph (2) applied; but
  - (b) there shall be deducted from the amount of compensation so payable any amount previously paid in respect of the acquisition of that interest by the authority.
- (4) Where sub-paragraph (2) or (3) applies, the local authority shall serve on the person entitled to the compensation a notice in the prescribed form giving particulars of the amount of compensation payable in accordance with the provisions applying to a compulsory acquisition under Part I of this Act, and if the person served does not, within 21 days from service of the notice, accept the particulars, or if he disputes the amount stated, the question of disputed compensation shall be referred to the Lands Tribunal.
- (5) The notice shall be served not later than 6 months after—
- (a) the relevant date, as defined in paragraph 1(4) of this Schedule, or
  - (b) the date on which the rehabilitation order becomes operative for the purposes of Part II of this Schedule,
- (as the case may be), and paragraph 19 of Schedule 1 to the <sup>M8</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (service of notices) shall apply to the notice.
- (6) Sub-paragraph (2) shall be left out of account in considering whether, under sections 117 and 118 of the <sup>M9</sup>Lands Clauses Consolidation (Scotland) Act 1845, compensation has been properly paid for the land; and accordingly sub-paragraph (2)

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shall not prevent an acquiring authority from remaining in undisputed possession of the land.

- (7) Where sub-paragraph (2) makes an increase in compensation to be assessed in accordance with sections 56 to 60 and 63 of the said Act of 1845 (absent and untraced owners)—
- (a) a notarial instrument executed under section 76 of that Act before the latest date for service of a notice under sub-paragraph (4) shall not be invalid because the increase in compensation has not been paid, and
  - (b) it shall be the duty of the local authority, not later than 6 months after the said date, to proceed under the said sections and pay the proper additional amount into the bank.
- (8) Any sum payable by virtue of this paragraph shall carry interest at the rate prescribed under section 40 of the <sup>M10</sup>Land Compensation (Scotland) Act 1963 from the time of entry by the local authority on the land, or from vesting of the land or interest, whichever is the earlier, until payment.
- (9) In this paragraph, references to an increase in compensation shall be read as if any payments under—
- (a) section 49 of the <sup>M11</sup>Act of 1966, section 11 of the <sup>M12</sup>Act of 1969 or section 30 of the <sup>M13</sup>Act of 1974 or section 305 of this Act (payments in respect of well-maintained houses and payments to owner-occupiers),
  - (b) section 160 of the Act of 1966 or section 38 of the Land Compensation (Scotland) Act 1963 (allowances to persons displaced),
  - (c) sections 18 to 20 of the Act of 1969 or sections 308 to 311 of this Act (payments to owner-occupiers and others in respect of houses not meeting the tolerable standard purchased or demolished), and
  - (d) section 34 of the <sup>M14</sup>Land Compensation (Scotland) Act 1973 (disturbance payments for persons without compensatable interests),
- were, to the extent that they were made to the person in question, compensation in respect of the compulsory purchase.

#### Textual Amendments

- F19** Words in [Sch. 7 para. 13\(1\)](#) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 40\(8\)](#)
- F20** Words substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(1), [Sch. 7 para. 28\(a\)](#)
- F21** Words substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(1), [Sch. 7 para. 28\(b\)](#)

#### Marginal Citations

- M8** 1947 c. 42.
- M9** 1845 c. 19.
- M10** 1963 c. 51.
- M11** 1966 c. 49.
- M12** 1969 c. 34.
- M13** 1974 c. 45.
- M14** 1973 c. 56.

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*Extension of time limits for exercising powers under certain compulsory purchase orders*

- 14 —In section 116 of the Lands Clauses Consolidation (Scotland) Act 1845 (time limits for exercising powers under compulsory purchase orders) there shall be added at the end the following paragraph—

“For the purposes of this section no account shall be taken of any period during which an authority are, by virtue of Schedule 7 to the Housing (Scotland) Act 1987 (which relates to buildings in housing action areas) prevented from serving notice to treat under section 17 of this Act.”

SCHEDULE 8

Section 95.

**PART I**

**HOUSING ACTION AREAS**

*Procedure after publication of draft resolution*

- 1 (1) The local authority shall have regard to any representations made to them by virtue of section 94 and, within a period of 2 months from the expiry of the period of 2 months mentioned in section 94(7), shall—
- (a) subject to the provisions of sub-paragraph (2), pass a final resolution confirming the draft resolution, with or without modifications; or
  - (b) rescind the draft resolution.
- (2) The power to make modifications by virtue of sub-paragraph (1)(a) shall not include power to extend the area defined in the draft resolution.
- (3) The local authority shall, as soon as may be—
- (a) send a copy of the final resolution and a copy of the map to the Secretary of State,
  - (b) publish in the manner required by section 94(5)(a) a notice that a final resolution has been made, or as the case may be, that the draft resolution has been rescinded and
  - (c) serve on such persons as were served with a notice in pursuance of section 94(5)(b), a notice stating the effect of any final resolution or, as the case may be, stating that the draft resolution has been rescinded,
- and the provisions of section 94(6) shall apply to the publication and service of a notice under this paragraph as they apply to the publication and service of a notice under that section.
- (4) The provisions of section 92 shall apply to a final resolution as they apply to a draft resolution.
- 2 —Any notice authorised or required to be sent to any owner, lessee or occupier by virtue of section 94(5)(b) and paragraph 1(3)(c) may, if it is not practicable after reasonable inquiry to ascertain the name of such owner, lessee or occupier, be served by addressing it to him by the description of “owner”, “lessee” or “occupier”, as the case may be, identifying the house to which it relates and by delivering it to

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some person in the house, or if there is no person in the house to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the house.

## PART II

### POWERS OF LOCAL AUTHORITY IN RELATION TO ACQUISITION OF LAND FOR HOUSING ACTION AREAS

- 3 (1) Subject to the provisions of sub-paragraph (2), where a local authority have published and served, in accordance with the provisions of section 94, a notice of the passing of a draft resolution made under section 89, 90 or 91 the local authority, from the date of the said publication and service, shall have power to purchase land by agreement in the area to which the said draft resolution relates, in order themselves to undertake, or otherwise secure, the demolition, or improvement to the standard specified under section 90(3) or by virtue of section 91(3) (as the case may be), of the houses or buildings.
- (2) Where under sub-paragraph (1) the local authority purchase a house identified in accordance with section 92(4)(c), they may also purchase any other part of the building so identified if in their opinion it is necessary to purchase such other part in order to integrate it with that house.

#### *Land adjoining housing action area*

- 4 —Where a local authority determine to acquire any land comprised in an area declared by them to be a housing action area, they may acquire also—
- (a) any land which is surrounded by the housing action area; and
  - (b) any land adjoining the housing action area,
- if the acquisition is reasonably necessary for the purpose of securing an area of convenient shape and dimensions or is reasonably necessary for the satisfactory development or use of the housing action area.

#### *Further provisions relating to acquisition of land*

- 5 (1) In so far as a resolution passed under section 89 or 91 provides that some or all of the buildings in a housing action area should be demolished, the powers of acquiring land comprised in or surrounded by or adjoining such an area conferred on a local authority by Part IV and this Schedule shall not be restricted by the fact that buildings within that area have been demolished since the area was declared to be a housing action area.
- (2) Land for the purposes of Part IV and this Schedule may be acquired by a local authority by agreement under section 70 of the Local Government (Scotland) Act 1973 (acquisition of land by agreement).
- (3) Subject to the provisions of sub-paragraph (4), a local authority may be authorised by the Secretary of State to purchase land compulsorily for the same purposes as they may acquire land by agreement under paragraphs 3 and 4, and the <sup>M15</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to any such compulsory purchase as if this Act had been in force immediately before the commencement of that Act, but subject to the following modifications—



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- (a) the compulsory purchase order shall not be in the form prescribed under paragraph 2 of Schedule 1 to that Act, but shall be in a form prescribed under this paragraph;
  - (b) the notices referred to in paragraphs 3 and 6 of the said Schedule 1 shall not be in the form prescribed under those paragraphs, but shall be in a form prescribed under this paragraph;
  - (c) the order shall show separately the houses in the housing action area which do not meet the tolerable standard and, as the case may be, that standard along with any other standard specified under section 90 or by virtue of section 91 and the land proposed to be purchased outside the area;
  - (d) the order as confirmed by the Secretary of State shall not authorise the local authority to purchase any house on less favourable terms with respect to compensation than the terms on which the order would have authorised them to purchase the house if the order had been confirmed without modification;
  - (e) if the Secretary of State is of opinion that any land included by a local authority in a housing action area ought not to have been so included, he shall on confirming the order so modify it as to exclude that land for all purposes from that area;
  - (f) in section 1 of that Act, any reference to the said Schedule 1 shall be construed as a reference to that Schedule as modified by this sub-paragraph;
  - (g) in Part IV of that Schedule any reference to that Act or that Schedule and any reference to any regulation made thereunder shall be construed respectively as a reference to that Act as modified by this sub-paragraph and as including a reference to any regulation made under this sub-paragraph;
  - (h) section 3 of that Act (power to extinguish certain public rights of way over land acquired) shall be omitted.
- (4) Where a local authority have published and served notice of a final resolution in accordance with the provisions of paragraph 1 declaring an area to be—
- (a) a housing action area for demolition, they shall submit any order authorising the compulsory purchase of land in the area to the Secretary of State within a period of 6 months from the date of the said publication and service,
  - (b) a housing action area for improvement or for demolition and improvement, any such order as aforesaid shall not be made by the local authority before the expiry of a period of 3 months and shall be submitted to the Secretary of State within a period of 9 months from the date of the said publication and service,

but the Secretary of State may in the circumstances of a particular case, allow such longer period for the periods of 6 months and 9 months mentioned respectively in paragraphs (a) and (b) as he thinks appropriate.

**Marginal Citations**

M15 1947 c. 42.

*Land belonging to local authority*

- 6 (1) A local authority may include in a housing action area any land belonging to them which they might have included in such an area if the land had not belonged to them.

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- (2) Where any land belonging to a local authority is included in a housing action area, or where any land belonging to a local authority is surrounded by or adjoins a housing action area and might have been purchased by the authority under paragraph 4 had it not been previously acquired by them, the provisions of Part IV and this Schedule shall apply in relation to any such land as if it had been purchased compulsorily by the authority as being land comprised in the housing action area or, as the case may be, as being land surrounded by or adjoining the housing action area.

*Local authority may take possession of land*

- 7 —Section 11 (which provides that a local authority may take possession of land to be acquired by agreement or appropriated for the purposes of Part I) shall apply for the purposes of Part IV and this Schedule as it applies for the purposes of Part I.

*Local authority may sell or lease land*

- 8 —A local authority who have under Part IV or this Schedule purchased any land comprised in or surrounded by or adjoining a housing action area, may—
- (a) where the land was purchased for the purpose of bringing the houses in the area up to the standard specified under section 90(3) or by virtue of section 91(3), sell or lease any such house to any person subject to the condition that that person will bring the house up to at least the appropriate standard and to any other restriction or condition that they may think fit; or
  - (b) in any other case, sell or lease the land subject to such restrictions and conditions, if any, as they think fit, or may, in accordance with section 73 of the Local Government (Scotland) Act 1973 (appropriation of land), appropriate the land for any purpose for which they are authorised to acquire land.

*Extinction of rights of way servitudes, etc.*

- 9 (1) A local authority may, with the approval of the Secretary of State, by order extinguish any public right of way over any land purchased by them under Part IV or this Schedule or provide for the closing or diversion of any road in connection with the development of a housing action area.
- (2) An order made by a local authority under sub-paragraph (1) shall be made in the prescribed form and be published in the prescribed manner, and, if any objection thereto is made to the Secretary of State before the expiry of 2 months from its publication, the Secretary of State shall not approve the order until he has caused a public local inquiry to be held into the matter.
- (3) Where a local authority have resolved to purchase under Part IV or this Schedule land over which a public right of way exists, the authority may make and the Secretary of State may approve, in advance of the purchase, an order extinguishing that right as from the date on which the buildings on the land are vacated, or at the expiry of such period after that date as may be specified in the order or as the Secretary of State in approving the order may direct.
- (4) Upon the completion by a local authority of the purchase by them of any land under Part IV or this Schedule, all private rights of way and all rights of laying down, erecting, continuing or maintaining any apparatus on, under or over that land, and all other rights or servitudes in or relating to that land, shall be extinguished, and

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any such apparatus shall vest in the authority; and any person who suffers loss by the extinction or vesting of any such right or apparatus as aforesaid shall be entitled to be paid by the authority compensation to be determined by the Lands Tribunal in accordance with the <sup>M16</sup>Land Compensation (Scotland) Act 1963:

Provided that this sub-paragraph shall not apply to any right vested in public undertakers of laying down, erecting, continuing or maintaining any apparatus or to any apparatus belonging to public undertakers, and shall have effect as respects other matters subject to any agreement which may be made between the local authority and the person in or to whom the right or apparatus in question is vested or belongs.

**Modifications etc. (not altering text)**

- C1 Sch. 8 para. 9 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 1(8), Sch. 17 paras. 33, **35(1)**
- C2 Sch. 8 para. 9 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(9)**; S.I. 1996/218, **art. 2**

**Marginal Citations**

- M16 1963 c. 51.

*Provisions as to apparatus of public undertakers*

- 10 (1) Where the removal or alteration of apparatus belonging to public undertakers on, under or over land purchased by a local authority under Part IV or this Schedule or on, under or over a road running over or through or adjoining any such land is reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred upon them by that Part or this Schedule, the authority shall have power to execute works for the removal or alteration of the apparatus subject to and in accordance with the provisions of this paragraph.
- (2) A local authority who intend to remove or alter any apparatus under the powers conferred by sub-paragraph (1) shall serve on the undertakers notice in writing of their intention, with particulars of the proposed works and of the manner in which they are to be executed and plans and sections thereof, and shall not commence any works until the expiry of a period of 28 days from the date of service of the notice, and the undertakers may within that period by notice in writing served on the authority—
- (a) object to the execution of the works or any of them on the ground that they are not necessary for the purpose aforesaid; or
- (b) state requirements to which in their opinion effect ought to be given as to the manner of, or the observance of conditions in, the execution of the works, as to the execution of other works for the protection of other apparatus belonging to the undertakers, or as to the execution of other works for the provision of substituted apparatus whether permanent or temporary;
- and—
- (i) if objection is so made to any works and not withdrawn, the local authority shall not execute the works unless they are determined by arbitration to be so necessary;
- (ii) if any such requirement as aforesaid is so made and not withdrawn, the local authority shall give effect thereto unless it is determined by arbitration to be unreasonable.

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- (3) A local authority shall make to public undertakers reasonable compensation for any damage which is sustained by them by reason of the execution by the authority of any works under sub-paragraph (1) and which is not made good by the provision of substituted apparatus.

Any question as to the right of undertakers to recover compensation under this sub-paragraph or as to the amount thereof shall be determined by arbitration.

- (4) Where the removal or alteration of apparatus belonging to public undertakers or the execution of works for the provision of substituted apparatus whether permanent or temporary is reasonably necessary for the purposes of their undertaking by reason of the stopping up, diversion or alteration of the level or width of a road by a local authority under powers exercisable by virtue of Part IV or this Schedule, such undertakers may, by notice in writing served on the authority, require them at the expense of the authority to remove or alter the apparatus or to execute the works, and, where any such requirement is so made and not withdrawn, the authority shall give effect thereto unless they serve notice in writing on the undertakers of their objection to the requirement within 28 days from the date of service of the notice upon them and the requirement is determined by arbitration to be unreasonable.

- (5) At least 7 days before commencing any works which they are authorised or required under the provisions of this paragraph to execute, the local authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention so to do, and the works shall be executed by the authority under the superintendence (at the expense of the authority) and to the reasonable satisfaction of the undertakers:

Provided that, if within 7 days from the date of service on them of notice under this sub-paragraph the undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the local authority, and the reasonable costs thereof shall be repaid to the undertakers by the authority.

- (6) Any difference arising between public undertakers and a local authority under sub-paragraph (5) and any matter which is by virtue of the provisions of this paragraph to be determined by arbitration shall—

- (a) in the case of a question arising under sub-paragraph (3) be referred to and determined by the Lands Tribunal;
- (b) in any other case be referred to and determined by an arbiter to be appointed, in default of agreement, by the Secretary of State.

- (7) In this paragraph, references to the alteration of apparatus include references to diversion and to alterations of position or level.

**Modifications etc. (not altering text)**

- C3** Sch. 8 para. 10 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 1(8), Sch. 17 paras. 33, **35(1)**
- C4** Sch. 8 para. 10 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(9)**; S.I. 1996/218, **art. 2**

*Saving for telecommunication apparatus, etc.*

- 11 (1) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus)

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shall apply to a local authority for the purposes of any works which they are authorised to execute under Part IV or this Schedule.

- (2) Where in pursuance of an order under paragraph 9 a public right of way over land is extinguished or a road is closed or diverted, and, at the beginning of the day on which the order comes into operation, there is under, in, on, over, along or across the land or road any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same powers in respect of that apparatus as if the order had not come into operation; but any person entitled to land over which the right of way subsisted shall be entitled to require the alteration of the apparatus.
- (3) The proviso to sub-paragraph (4) of paragraph 9 shall have effect in relation to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system and to telecommunication apparatus kept installed for the purposes of any such system as it has effect in relation to rights vested in and apparatus belonging to statutory undertakers.
- (4) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this paragraph as it applies for the purposes of that code.
- (5) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this paragraph to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.

**Modifications etc. (not altering text)**

- C5** Sch. 8 para. 11 extended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), [Sch. 16 para. 1\(1\)\(xli\)](#), [Sch. 17 paras. 33, 35\(1\)](#)

### PART III

#### COMPENSATION IN RESPECT OF LAND ACQUIRED COMPULSORILY

- 12 (1) Where land is purchased compulsorily by a local authority under Part IV or this Schedule, the compensation payable in respect thereof shall, subject to the following provisions of this paragraph, be assessed by the Lands Tribunal in accordance with the <sup>M17</sup>Land Compensation (Scotland) Act 1963.
- (2) In the case of the compulsory acquisition of a house which either is specified in the compulsory purchase order as not meeting the tolerable standard, or is specified in an improvement order under section 88, such compensation shall not (except by virtue of paragraph 3 of Schedule 2 to the said Act of 1963) exceed the value, at the time when the valuation is made, of the site of the house as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the district.
- (3) The reference in sub-paragraph (2) to compensation is a reference to the compensation payable in respect of the purchase exclusive of any compensation for disturbance or for severance or for injurious affection.

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- (4) Schedule 1 shall have effect in relation to the compulsory purchase of land under sub-paragraph (1), but shall not have effect in relation to a house to which sub-paragraph (2) applies.

**Modifications etc. (not altering text)**

C6 Sch. 8 para. 12(2)(3) applied (27.5.1997) by 1997 c. 8, ss. 108(2), 278(2)

**Marginal Citations**

M17 1963 c. 51.

**PART IV**

**ADJUSTMENT OF RELATIONS BETWEEN LESSORS  
AND LESSEES OF AGRICULTURAL HOLDINGS, ETC.**

- 13 (1) [F<sup>22</sup>Section 15 of the Agricultural Holdings (Scotland) Act 1991] (increases of rent for improvements carried out by landlord) shall apply as if references in subsection (1) of that section to improvements carried out at the request of the tenant included references to improvements carried out in compliance with a notice of a final resolution under Part I of this Schedule:

Provided that where the tenant has contributed to the cost incurred by the landlord in carrying out the improvement, the increase in rent provided for by [F<sup>23</sup>the said section 15] shall be reduced proportionately.

- (2) Any works carried out in compliance with a notice of a final resolution under Part I of this Schedule shall be included among the improvements specified in [F<sup>24</sup>paragraph 18 of Schedule 5 to the Agricultural Holdings (Scotland) Act 1991] (tenant's right to compensation for erection, alteration or enlargement of buildings), but subject to the power conferred by [F<sup>25</sup>section 73] of that Act to vary [F<sup>26</sup>the said Schedule 5]; and [F<sup>27</sup>sections 38 and 39] of that Act (which make that right to compensation subject to certain conditions) shall not apply to any works carried out in compliance with such a notice:

Provided that where a person other than the tenant claiming compensation has contributed to the cost of carrying out the works in compliance with any such notice, compensation in respect of the works, as assessed under [F<sup>28</sup>section 36 of that Act], shall be reduced proportionately.

- (3) Any works carried out in compliance with a notice of a final resolution under Part I of this Schedule shall—
- (a) if carried out on a croft, be permanent improvements on that croft and be deemed to be suitable to the croft for the purposes of section 14(1)(a) of the <sup>M18</sup>Crofters (Scotland) Act 1955 (crofter's right to compensation for improvements);
  - (b) if carried out on a holding, be permanent improvements on that holding and be deemed to be suitable to the holding for the purposes of section 8(a) of the <sup>M19</sup>Crofters Holdings (Scotland) Act 1886 (landholder's right to compensation for improvements);

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- (4) In this paragraph, unless the context otherwise requires—
- “dwelling” means a building or part of a building occupied or intended to be occupied as a separate house;
- “tenant”—
- (a) has the same meaning as in section 115(1) of the <sup>M20</sup>Rent (Scotland) Act 1984 but does not include a tenant holding under a lease granted for a period of more than 21 years at a rent of less than two-thirds of the net annual value for rating purposes of the leased premises, or a heritable creditor in possession; and
- (b) includes, in relation to a dwelling, a person employed in agriculture (as defined in section 17 of the <sup>M21</sup>Agricultural Wages (Scotland) Act 1949) who occupies or resides in the dwelling as part of the terms of his employment, and “tenancy” shall be construed accordingly.

References in this paragraph to a tenant occupying a dwelling include, in the case of a tenant within head (b) of this definition, a tenant residing in the dwelling, and “occupation” and “occupied” and related expressions shall be construed accordingly; and in relation to a dwelling occupied by such a tenant “the person having control” of the dwelling means, in this paragraph, the employer or other person by whose authority the tenant occupies the dwelling.

#### Textual Amendments

- F22** Words in Sch. 8 para. 13(1) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11 para. 56(a)(i)**(with s. 45(3))
- F23** Words in Sch. 8 para. 13(1) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11 para. 56(a)(ii)**(with s. 45(3))
- F24** Words in Sch. 8 para. 13(2) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11 para. 56(b)(i)**(with s. 45(3))
- F25** Words in Sch. 8 para. 13(2) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11 para. 56(b)(ii)**(with s. 45(3))
- F26** Words in Sch. 8 para. 13(2) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11 para. 56(b)(iii)**(with s. 45(3))
- F27** Words in Sch. 8 para. 13(2) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11 para. 56(b)(iv)**(with s. 45(3))
- F28** Words in Sch. 8 Pt. IV para. 13 (2) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11 para. 56(b)(v)**(with s. 45(3))

#### Marginal Citations

- M18** 1955 c. 21.
- M19** 1886 c. 29.
- M20** 1984 c. 58.
- M21** 1949 c. 30.

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## SCHEDULE 9

Sections 109(5), 131(2), 164(4).

### RECOVERY OF EXPENSES BY CHARGING ORDER

**Modifications etc. (not altering text)**

**C7** Sch. 9 applied (27.8.1993) by 1993 c. 11, ss. 62(2)(a)(ii), 68(2).

- 1 —Where under sections 108(3), 131(2) and 164(4) a local authority have themselves incurred expenses in relation to a house or building, they may make in favour of themselves an order (in this Schedule referred to as a “charging order”) providing and declaring that the house or building is thereby charged and burdened with an annuity to pay the amount of the expenses.
- 2 —The annuity charged shall be such sum not exceeding such sum as may be prescribed, as the local authority may determine for every £100 of the said amount and so in proportion for any less sum, and shall commence from the date of the order and be payable for a term of 30 years to the local authority.
- 3 —A charging order shall be in such form as may be prescribed and shall be recorded in the General Register of Sasines, or registered in the Land Register, as the case may be.
- 4 —Every annuity constituting a charge by a charging order duly recorded in the General Register of Sasines or registered in the Land Register, as the case may be, shall be a charge on the premises specified in the order and shall have priority over—
  - (a) all future burdens and incumbrances on the same premises, and
  - (b) all existing burdens and incumbrances thereon except—
    - (i) feuduties, teinds, ground annuals, stipends and standard charges in lieu of stipends;
    - (ii) any charges created or arising under any provision of the Public Health (Scotland) Act 1897 or any Act amending that Act, or any local Act authorising a charge for recovery of expenses incurred by a local authority, or under this Schedule; and
    - (iii) any charge created under any Act authorising advances of public money.
- 5 —A charging order duly recorded in the General Register of Sasines or registered in the Land Register, as the case may be, shall be conclusive evidence that the charge specified therein has been duly created in respect of the premises specified in the order.
- 6 —Every annuity charged by a charging order may be recovered by the person for the time being entitled to it by the same means and in the like manner in all respects as if it were a feuduty.
- 7 —A charging order and all sums payable thereunder may be from time to time transferred in like manner as a bond and disposition in security and sums payable thereunder.
- 8 —Any owner of, or other person interested in, premises on which an annuity has been charged by any such charging order shall at any time be at liberty to redeem the annuity on payment to the local authority or other person entitled thereto of



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such sum as may be agreed upon or, in default of agreement, determined by the Secretary of State.

## SCHEDULE 10

Section 113.

### LANDLORD’S REPAIRING OBLIGATIONS

#### *Obligations to repair*

- 1 [F29](1) This paragraph applies to any contract (whether entered into before or after the coming into force of Schedule 8 to the Housing (Scotland) Act 1988) for letting a house for human habitation under which no rent is payable or the rent payable is less than that specified by order made by the Secretary of State.
- (1A) In determining whether this paragraph applies to any contract, there shall be disregarded such part (if any) of the sums payable by the tenant as is expressed (in whatever terms) to be payable in respect of services, repairs, maintenance or insurance unless it could not have been regarded by the parties to the tenancy as a part so payable.
- (1B) An order under sub-paragraph (1) above may specify different rents in relation to—
- (a) different kinds of houses;
  - (b) different areas.
- (1C) An order under sub-paragraph (1) above may specify rent by reference to such periods or such different periods or such other factors or such combinations thereof as may be specified in the order.
- (1D) An order under sub-paragraph (1) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (1E) This paragraph does not apply to a contract for the letting by a local authority of any house purchased or retained by the authority under section 121 or paragraph 5 of Schedule 8 for use for housing purposes.]
- (2) In any contract to which this paragraph applies there shall, notwithstanding any stipulation to the contrary, be implied a condition that the house is at the commencement of the tenancy, and an undertaking that the house will be kept by the landlord during the tenancy, in all respects reasonably fit for human habitation:
- Provided that that condition and the undertaking shall not be implied when a house is let for a period of not less than 3 years upon the terms that it will be put by the lessee into a condition in all respects reasonably fit for human habitation, and the lease is not determinable at the option of either party before the expiration of 3 years.
- (3) The landlord, or any person authorised by him in writing, may at reasonable times of the day, on giving 24 hours’ notice in writing to the tenant or occupier, enter any premises in respect of which this paragraph applies for the purpose of viewing their state and condition.
- (4) In determining for the purposes of this paragraph whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair

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or sanitary defects the house falls short of the provisions of any building regulations in operation in the district.

(5) In this paragraph—

- (a) the expression “landlord” means any person who lets to a tenant for human habitation any house under any contract to which this paragraph applies, and includes his successors in title; and
- (b) the expression “house” includes part of a house; and
- (c) the expression “sanitary defects” includes lack of air space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or of sanitary arrangements or of other conveniences, and inadequate paving or drainage of courts, yards or passages.

#### Textual Amendments

**F29** Sch. 10 para. 1(1)–(1E) substituted for Sch. 10 para. 1(1) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 72\(1\)](#), [Sch. 8 para. 9\(a\)](#)

#### *Application of paragraph 1 to houses occupied by agricultural workers otherwise than as tenants*

- 2 —Notwithstanding any agreement to the contrary, where under any contract of employment of a workman employed in agriculture the provision of a house or part of a house for the occupation of the workman forms part of the remuneration of the workman, and the provisions of paragraph 1 are inapplicable by reason only of the house or part of the house not being let to the workman, there shall be implied as part of the contract of employment the like condition and undertaking as would be implied under those provisions if the house or part of the house were so let, and those provisions shall apply accordingly as if incorporated in this paragraph, with the substitution of “employer” for “landlord” and such other modifications as may be necessary:

Provided that this paragraph shall not affect the obligation of any person other than the employer to repair a house to which this section applies or any remedy for enforcing any such obligation.

#### *Repairing obligations in short leases of houses*

- 3 (1) In any lease of a house, being a lease to which this paragraph applies, there shall be implied a provision that the lessor will—
- (a) keep in repair the structure and exterior of the house (including drains, gutters and external pipes); and
  - (b) keep in repair and proper working order the installations in the house—
    - (i) for the supply of water, gas and electricity, and for sanitation (including basins, sinks, baths and sanitary conveniences but not, except as aforesaid, fixtures, fittings and appliances for making use of the supply of water, gas or electricity), and
    - (ii) for space heating or heating water;
 and any provision that the lessee will repair the premises (including any that he will put in repair or deliver up in repair, or will paint, point or render the premises, or pay money in lieu of repairs by the lessee or on account of

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repairs by the lessor) shall be of no effect so far as it relates to any of the matters mentioned in paragraphs (a) and (b) of this paragraph.

[<sup>F30</sup>(1A) If a lease to which this paragraph applies is a lease of a house which forms part only of a building, then, subject to sub-paragraph (1B) of this paragraph, the provision implied by this paragraph (hereinafter referred to as “the implied repairs provision”) shall have effect as if—

- (a) the reference in paragraph (a) of sub-paragraph (1) of this paragraph to the house included a reference to any part of the building in which the lessor has an interest; and
- (b) any reference in paragraph (b) of sub-paragraph (1) of this paragraph to installations in the house included a reference to installations which, directly or indirectly, serve the house and in which the lessor has an interest.

(1B) Nothing in sub-paragraph (1A) of this paragraph shall be construed as requiring the lessor to carry out any works or repairs unless the disrepair (or failure to maintain in working order) is such as to affect the lessee’s enjoyment of the house or of any common parts.

(1C) In sub-paragraph (1B) of this paragraph “common parts” in relation to any building or part of a building includes the structure and exterior of that building or part and any common facilities within it.]

(2) [<sup>F31</sup>The implied repairs provision] shall not be construed as requiring the lessor—

- (a) to carry out any works or repairs for which the lessee is liable by virtue of his duty to use the premises in a proper manner, or would be so liable apart from any express undertaking on his part;
- (b) to rebuild or reinstate the premises in the case of destruction or damage by fire, or by tempest, flood or other inevitable accident; or
- (c) to keep in repair or maintain anything which the lessee is entitled to remove from the house;

and sub-paragraph (1) of this paragraph shall not avoid so much of any provision as imposes on the lessee any of the requirements mentioned in head (a) or head (c) of this sub-paragraph.

(3) In determining the standard of repair required by the implied repairs provision in relation to any house, regard shall be had to the age, character and prospective life of the house and the locality in which it is situated.

[<sup>F32</sup>(3A) In any case where—

- (a) the implied repairs provision has effect as mentioned in sub-paragraph (1A) of this paragraph; and
- (b) in order to comply with the provision the lessor needs to carry out works or repairs otherwise than in, or to an installation in, the house; and
- (c) the lessor does not have sufficient right in the part of the building or the installation concerned to enable him to carry out the required works or repairs,

then, in any proceedings relating to a failure to comply with the implied repairs provision, so far as it requires the lessor to carry out the works or repairs in question, it shall be a defence for the lessor to prove that he used all reasonable efforts to obtain, but was unable to obtain, such rights as would be adequate to enable him to carry out the works or repairs.]

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- (4) In any lease in which the implied repairs provision is implied there shall also be implied a provision that the lessor, or any person authorised by him in writing, may at reasonable times of the day, on giving 24 hours’ notice in writing to the occupier, enter the premises comprised in the lease for the purpose of viewing their condition and state of repair.
- (5) In this paragraph and in paragraphs 4 and 5, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—
- (a) “lease” includes a sublease, and “lessor” and “lessee”, in relation to a lease, include respectively any person for the time being holding the interest of lessor, and any person for the time being holding the interest of lessee, under the lease, and
  - (b) “lease of a house” means a lease whereby a building or part of a building is let wholly or mainly as a private dwelling and “house”, in relation to such a lease, means that building or part of a building.

#### Textual Amendments

**F30** Sch. 10 para. 3(1A)–(1C) inserted (with saving) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 72\(1\), Sch. 8 para. 9\(b\)](#)

**F31** Words substituted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 72\(1\), Sch. 8 para. 9\(c\)](#)

**F32** Sch. 10 para. 3(A) inserted (with saving) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 72\(1\), Sch. 8 para. 9\(d\)](#)

#### *Application of paragraph 3*

- 4 (1) Subject to the provisions of this paragraph, paragraph 3 applies to any lease of a house granted on or after 3rd July 1962 being a lease for a period of less than 7 years.
- (2) For the purpose of this paragraph a lease—
- (a) shall be treated as a lease for a period of less than 7 years if it is determinable at the option of the lessor before the expiration of 7 years from the commencement of the period of the lease, and
  - (b) shall be treated as a lease for a period of 7 years or more if it confers on the lessee an option for renewal for a period which, together with the original period, amounts to 7 years or more, and it is not determinable as mentioned in head (a) of this sub-paragraph.
- (3) Where a lease (hereinafter referred to as “the new lease”) of a house is granted—
- (a) to a person who, when or immediately before the new lease is granted, is or was the lessee of the house under another lease, or
  - (b) to a person who was the lessee of the house under another lease which terminated at some time before the new lease is granted and who, between the termination of that other lease and the grant of the new lease, was continuously in possession of the house or entitled to the rents or profits thereof,

paragraph 3 shall not apply to the new lease unless the other lease, if granted on or after 3rd July 1962, was a lease to which that paragraph applies, or, if granted before the said date, would have been such a lease if it had been granted on or after that date.

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- (4) Paragraph 3 shall not apply to any lease of a house which is a tenancy of an agricultural holding.
- (5) In the application of this paragraph to a lease for a period part of which falls before the date of the granting of the lease, that part shall be left out of account and the lease shall be treated as a lease for a period commencing with the date of the granting.

#### *Restriction on contracting out*

- 5 (1) The sheriff may, on the application of either party to a lease, by order made with the consent of the other party concerned, authorise the inclusion in the lease, or in any agreement collateral to the lease, of provisions excluding or modifying in relation to the lease the provisions of paragraph 3 with respect to the repairing obligations of the parties if it appears to him, having regard to the other terms and conditions of the lease and to all the circumstances of the case, that it is reasonable to do so, and any provision so authorised shall have effect accordingly.
- (2) Subject to sub-paragraph (1) any provision, whether contained in a lease to which paragraph 3 applies or in any agreement collateral to such a lease, shall be void so far as it purports to exclude or limit the obligations of the lessor or the immunities of the lessee under that section, or to provide for an irritancy of the lease or impose on the lessee any penalty, disability or obligation, in the event of his enforcing or relying upon those obligations or immunities.

### SCHEDULE 11

Section 164(4), 184(2), 187(3), 189.

## HOUSES IN MULTIPLE OCCUPATION: CONTROL ORDERS

### PART I

#### MANAGEMENT SCHEMES

- 1 (1) A management scheme shall give particulars of all works which in the opinion of the local authority—
  - (a) the local authority would have required to be carried out under the provisions of Part VIII (other than those relating to control orders), or under any other enactment relating to housing or public health, and
  - (b) constitute works involving capital expenditure.
- (2) A management scheme shall also—
  - (a) include an estimate of the cost of carrying out the works of which particulars are given in the scheme; and
  - (b) specify what is in the opinion of the local authority the highest number of individuals or households who should, having regard to the considerations set out in subsections (1) to (3) of section 161, live in the house having regard to its existing condition and to its future condition as the works progress which the authority carry out in the house; and
  - (c) include an estimate of the balances which will from time to time accrue to the local authority out of the net amount of the rent and other payments received by the authority from persons occupying the house after deducting—

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- (i) compensation payable by the authority under section 181 and section 183, and
  - (ii) all expenditure, other than expenditure of which particulars are given under subsection (2), incurred by the authority in respect of the house while the control order is in force, together with the appropriate establishment charges.
- (3) In this Schedule, references to surpluses on revenue account as settled by the scheme are references to the amount included in the scheme by way of an estimate under sub-paragraph (2)(c), subject to any variation of the scheme made by the local authority under sub-paragraph (4), or made by the sheriff on an appeal or an application under the following provisions of this Schedule.
- (4) The local authority may at any time vary the scheme in such a way as to increase the amount of the surpluses on revenue account as settled by the scheme for all or any periods (including past periods).

*Recovery by local authority of capital expenditure*

- 2 (1) Account shall be kept by the local authority for the period during which a control order is in force showing—
- (a) the surpluses on revenue account as settled by the management scheme, and
  - (b) the expenditure incurred by the authority in carrying out works of which particulars were given in the scheme.
- (2) Balances shall be struck in the account at half-yearly intervals so as to ascertain the amount of expenditure under sub-paragraph (1)(b) which cannot be set off against the said surpluses on revenue account, and (except where the control order is revoked by the sheriff on an appeal against the control order and the account under this section is no longer needed) the final balance shall be struck at the date when the control order ceases to have effect.
- (3) So far as, at the end of any half-yearly period, expenditure is not set off against the said surpluses on revenue account, the expenditure shall, for the purposes of this paragraph, carry interest at such reasonable rate as the local authority may determine until it is so set off or until a demand for such expenditure is served by local authority under section 109(1), as applied by sub-paragraph (6).
- (4) So far as there is any sum out of the said surpluses on revenue account not required to meet any expenditure incurred by the local authority, it shall go to meet interest under sub-paragraph (3).
- (5) Except where the control order is revoked by the sheriff on an appeal against the control order under the following provisions of this Schedule, on and after the time when the control order ceases to have effect the expenditure reasonably incurred by the local authority in carrying out works of which particulars were given in the scheme, together with interest as provided in this paragraph, shall, so far as not set off in accordance with this paragraph against the surpluses on revenue account as settled by the scheme, be recoverable from the dispossessed proprietor.
- (6) Sections 108(6) (exercise of power of local authority to secure repair of house in state of serious disrepair without prejudice to other powers) and 109 (recovery by local authority of expenses) shall, subject to any necessary modifications, apply for the purpose of enabling the local authority to recover from the dispossessed proprietor

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any expenditure which, by virtue of sub-paragraph (5), is recoverable from him as they apply for the purpose of enabling a local authority to recover expenses incurred by them in executing works under sections 108(3) to (5) and 109(1).

- (7) Sections 111 (appeals) and 112 (date of operation of notices, etc.) shall apply in relation to a demand by the local authority for the recovery of any such expenditure and to an order made by the local authority with respect to any such expenditure as they apply in relation to a demand for the recovery of expenses incurred by a local authority in executing works under section 108(3) to (5) and to an order made by a local authority with respect to an order made by a local authority with respect to any such expenses.
- (8) The local authority may make a charging order in favour of themselves in respect of any such expenditure, and Schedule 9, shall, with any necessary modifications, apply to a charging order so made in like manner as it applies to a charging order made under that Schedule.
- (9) Section 178(2) shall not apply so as to restrict the effect of any charging order made by virtue of sub-paragraph (8) to the part of the house to which a control order is applied.
- (10) For the purposes of this paragraph, references to the provisions of a scheme include references to those provisions as varied under this Schedule and if when the control order ceases to have effect, proceedings under the following provisions of this Schedule are pending which may result in a variation of the scheme, those proceedings may be continued until finally determined; and if any expenditure which, by virtue of sub-paragraph (5), is recoverable from the dispossessed proprietor is recovered from him before the final determination of those proceedings, the local authority shall be liable to account for any money so recovered which, having regard to the decision in the proceedings as finally determined, they ought not to have recovered.

## PART II

### APPEAL AND REVIEW

- 3 (1) Within 6 weeks from the date on which a copy of the relevant scheme is served in accordance with section 184(1), any person having an estate or interest in the house may appeal to the sheriff against the scheme on all or any of the following grounds, that is to say—
  - (a) that having regard to the condition of the house and to the other circumstances, any of the works of which particulars are given in the scheme (whether already carried out or not) are unreasonable in character or extent, or are unnecessary;
  - (b) that any of the works do not involve expenditure which ought to be regarded as capital expenditure;
  - (c) that the number of individuals or households living in the house, as specified by the local authority in the scheme, is unreasonably low;
  - (d) that the estimate of the surpluses on revenue account in the scheme is unduly low on account of some assumptions, whether as to rents charged by the local authority or otherwise, made by the authority in arriving at the estimate as to matters, which are within the control of the authority.

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- (2) On an appeal under this paragraph the sheriff may, as he thinks fit, confirm or vary the scheme.
  - (3) If an appeal has been brought against the control order and the sheriff decides on the appeal to revoke the control order, the sheriff shall not proceed with any appeal against the scheme relating to that control order.
  - (4) Proceedings on an appeal against a scheme shall, so far as practicable, be combined with proceedings on any appeal against the control order to which the scheme relates.
- 4
- (1) Without prejudice to the right of appeal against a scheme conferred by paragraph 3, either the local authority or any person having an estate or interest in the house to which the scheme relates may at any time apply to the sheriff for a review of the estimate of the surpluses on revenue account in the scheme.
  - (2) On an application under this paragraph, the sheriff may, as he thinks fit, confirm or vary the scheme, but the sheriff shall not on such an application vary the scheme so as to affect the provisions thereof relating to the works.
  - (3) On an application under this paragraph the surpluses on revenue account as settled by the scheme may be varied for all or any periods including past periods, and the sheriff shall take into consideration whether in the period since the control order came into force the actual balances mentioned in paragraph 1(2)(c) have exceeded, or been less than, the surpluses on revenue account as settled by the scheme as for the time being in force, and shall also take into consideration whether there has been any change in circumstances such that the number of persons or households who should live in the house, or the net amount of the rents and other payments receivable by the local authority from persons occupying the house, ought to be greater or less than was originally estimated.
- 5
- (1) If a local authority refuse an application to revoke a control order under section 188(4) or do not within 42 days from the making of the application or within such further period as the applicant may in writing allow, inform the applicant of their decision on the application, the applicant may appeal to the sheriff, and the sheriff may revoke the control order:
 

Provided that, if an appeal has been brought under this paragraph then, except with the leave of the sheriff, another appeal shall not be so brought, whether by the same or a different appellant, in respect of the same control order until the expiry of a period of 6 months beginning with the final determination of the first-mentioned appeal.
  - (2) If on an appeal under this paragraph the local authority represent to the sheriff that revocation of the control order would unreasonably delay completion of any works of which particulars were given in the relevant scheme under Part VIII and which the authority have begun to carry out, the sheriff shall take the representations into account and may, if he thinks fit, revoke the control order as from the time when the works are completed.
  - (3) If an appellant under this paragraph has an estate or interest in the house which, apart from the rights conferred on the local authority by the provisions of Part VIII relating to control orders, and apart from the rights of persons occupying any part of the house, would give him the right to possession of the house, and that estate or interest was, when the control order came into force, subject to a lease for a term of years which has subsequently expired, then, if that person satisfies the sheriff that he is in a position and intends, if the control order is revoked, to demolish or reconstruct



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the house or to carry out substantial work of construction on the site of the house, the sheriff shall revoke the control order.

- (4) Where in a case falling under sub-paragraph (3), the sheriff is not satisfied as therein mentioned, but would be so satisfied if the date of revocation of the control order were a date later than the date of the hearing of the appeal, the sheriff shall, if the appellant so requires, make an order for the revocation of the control order on that later date.
  - (5) Where the sheriff on an appeal under sub-paragraph (1) decides to revoke a control order in respect of a house from the dispossessed proprietor of which any amount will be recoverable by virtue of Part VIII, the sheriff may make it a condition of the revocation of the control order that the appellant first pays off to the local authority that amount, or such part of that amount, as the sheriff may specify.
  - (6) Where the sheriff on an appeal under sub-paragraph (1) revokes a control order, he may authorise the local authority to create under section 179(2) interests which expire, or which the dispossessed proprietor can terminate, within 6 months from the time when the control order ceases to have effect being interests which, notwithstanding subsection (3) of that section, are for a fixed term exceeding one month, or are terminable by notice to quit (or an equivalent notice) of more than 4 weeks.
  - (7) Where a control order is revoked by the local authority under section 188(2), or by the sheriff on an appeal under sub-paragraph (1), the local authority shall as soon as practicable thereafter cause to be recorded in the General Register of Sasines or registered in the Land Register, as the case may be, the revocation order made by them or, as the case may be, a notice stating that the control has been revoked by the sheriff as aforesaid.
- 6
- (1) A sheriff who revokes a control order on appeal may authorise the local authority to create under section 179(2) interests which expire, or which the dispossessed proprietor can terminate, within 6 months from the time when the control order ceases to have effect, being interests which, notwithstanding subsection (3) of section 179, are for a fixed term exceeding one month, or are terminable by notice to quit (or an equivalent notice) of more than 4 weeks.
  - (2) The sheriff shall take into consideration whether the state or condition of the house is such that any action ought to be taken by the local authority under the provisions of Part VIII (other than those relating to control orders) and shall take all or any of the following steps accordingly, that is to say—
    - (a) approve the making of an order under section 157;
    - (b) approve the giving of a notice under section 160 or section 161 or section 162; or
    - (c) approve the giving of a direction under section 166;
 and no appeal against any order or notice so approved shall lie under section 158 or section 163.
  - (3) In respect of the period from the coming into force of the control order until its revocation by the sheriff, the local authority shall, subject to this paragraph, be liable to pay to the dispossessed proprietor the balances which from time to time accrued to the authority out of the net amount of the rent and other payments received by the authority while the control order was in force from persons occupying the house after deducting—

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- (a) compensation payable by the local authority under section 181 and section 183, and
  - (b) all expenditure, other than capital expenditure, incurred by the local authority in respect of the house while the control order was in force, together with the appropriate establishment charges.
- (4) If the sheriff is satisfied that the balances which the local authority are, under sub-paragraph (3), liable to pay to the dispossessed proprietor are unduly low for any reason within the control of the authority, having regard to the desirability of observing the standards of management contained in regulations made under section 156 and to the other standards which the authority ought to observe as to the number of persons living in the house and the rents which they ought to charge, the sheriff shall direct that, for the purposes of the authority's liability to the dispossessed proprietor under this paragraph, the balances under sub-paragraph (3) shall be deemed to be such greater sums as the sheriff may direct:
- Provided that the sheriff shall not under this sub-paragraph give a direction which will afford to the dispossessed proprietor a sum greater than what he may, in the opinion of the sheriff, have lost by the making of the control order.
- (5) If different persons are dispossessed proprietors in relation to different parts of the house, sums payable under this paragraph by the local authority shall be apportioned between them in the manner provided by section 183(5).
- (6) For the purpose of enabling the local authority to recover capital expenditure incurred by them in carrying out works in the house in the period before the control order is revoked, the authority may on the hearing of the appeal apply to the sheriff for approval of those works on the ground that they were works which, if a control order had not been in force, the authority could have required some other person to carry out under the foregoing provisions of Part VIII (other than those relating to control orders), or under any other enactment relating to housing or public health, and that the carrying out of the works could not be postponed until after the determination of the appeal because the works were urgently required for the sake of the safety, welfare or health of the persons living in the house, or other persons.
- (7) Any expenditure reasonably incurred by the local authority in carrying out works approved under sub-paragraph (6)—
- (a) may be deducted by the local authority out of the balances which the authority are, under sub-paragraph (3), liable to pay to the dispossessed proprietor;
  - (b) so far as not so deducted, shall be recoverable from the dispossessed proprietor.
- (8) Any expenditure recoverable by the local authority from the dispossessed proprietor by virtue of sub-paragraph (7)(b) shall carry interest at such reasonable rate as the local authority may determine from the date when the control order is revoked; and sub-paragraphs (6) to (8) of paragraph 2 shall, with any necessary modifications, apply for the purpose of enabling the authority to recover any such expenditure.

*Powers of court to restrict recovery of possession*

- 7 (1) The provisions of this paragraph apply where—
- (a) a local authority have made an order under Part I of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, as

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- applied to the acquisition of land under this Act (other than section 121) authorising the compulsory acquisition of a house which is let in lodgings or which is occupied by members of more than one family; and
- (b) any premises forming part of that house are at a time in the relevant period occupied by a person (in this paragraph referred to as “the former lessee”) who was the lessee of those premises when the order was made or became the lessee thereof after the order was made, but who is no longer the lessee thereof.
- (2) In this paragraph “the relevant period” means the period beginning with the making of that order and ending on the third anniversary of the date on which the order becomes operative or, if at a time before the expiration of the said period, the Secretary of State notifies the local authority that he declines to confirm the order, or the order is quashed by a court, the period beginning with the making of the order and ending with that time.
- (3) Subject to the provisions of this paragraph, in proceedings in any court of competent jurisdiction instituted during the relevant period to enforce against the former lessee the right to recover possession of the premises the court may if it thinks fit—
- (a) suspend the execution of any decree of removing or warrant of ejection or other like order made in the proceedings for such period, not extending beyond the end of the period of three years beginning on the relevant date and subject to such conditions, if any, as the court thinks fit; and
- (b) from time to time vary the period of suspension (but not so as to enlarge that period beyond the end of the said period of 3 years, or terminate it), and vary the terms of the said decree, warrant or other like order in other respects.
- (4) For the purposes of sub-paragraph (3), “the relevant date” means—
- (a) if the compulsory purchase order concerned has become operative before the date on which the court exercises its power under that sub-paragraph, the date on which the order became operative; and
- (b) in any other case the date on which the court exercises or, as the case may be, exercised its power under paragraph (a) of that sub-paragraph in relation to the decree of removing or warrant of ejection or other like order in question.
- (5) If at any time the Secretary of State notifies the local authority that he declines to confirm the compulsory purchase order, or that order is quashed by a court, or, whether before or after that order has been submitted to the Secretary of State for confirmation, the authority decide not to proceed with it, it shall be the duty of the authority to notify the person entitled to the benefit of the decree of removing or warrant of ejection or other like order, and that person shall be entitled, on applying to the court, to obtain an order terminating the period of suspension, but subject to the exercise of such discretion in fixing the date on which possession is to be given as the court might exercise apart from this sub-paragraph if it were then making such a decree, warrant or other like order for the first time.
- (6) Sub-paragraphs (3) to (5) shall not apply where the person entitled to possession of the premises is the local authority.

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### PART III

#### CONSEQUENCES OF CESSATION OF CONTROL ORDER

##### *Transfer of landlord's interest in tenancies and agreements*

- 8 (1) On and after the date on which the control order ceases to have effect any lease, licence or agreement in which the local authority were substituted for any other party by virtue of section 180 shall have effect as if for the authority there were substituted in the lease, licence or agreement the original party or his successor in title.
- (2) On and after the date on which the control order ceases to have effect any agreement in the nature of a lease or licence created by the local authority shall have effect as if the dispossessed proprietor were substituted in the agreement for the authority.
- (3) If the dispossessed proprietor is a lessee, nothing in any superior lease shall impose any liability on the dispossessed proprietor or any superior lessee in respect of anything done in pursuance of the terms of an agreement in which the dispossessed proprietor is substituted for the local authority by virtue of this paragraph.

##### *Cases where leases have been modified while control order was in force*

- 9 —If under section 185 the sheriff modifies or determines a lease, the sheriff may include in the order modifying or determining the lease provisions for modifying the effect of paragraph 8 in relation to the lease.

##### *Interpretation*

- 10 —References in this Part of this Schedule to the control order ceasing to have effect are references to its ceasing to have effect whether on revocation or in any other circumstances.

### PART IV

#### RECOVERY OF EXPENSES BY LOCAL AUTHORITY EXECUTING WORKS UNDER SECTION 164

- 11 (1) Sections 108(6) (exercise of power of local authority to secure repair of house in state of serious disrepair without prejudice to other powers) and 109 (recovery by local authority of expenses) shall, subject to any necessary modifications, apply for the purpose of enabling a local authority to recover any expenses reasonably incurred by them in carrying out works under section 164 as they apply for the purpose of enabling a local authority to recover expenses incurred by them in executing works under section 108(3), but—
- (a) the person from whom such expenses may be recovered shall be the person on whom the notice was served, and
  - (b) if that person was only properly served with the notice as trustee, tutor, curator, factor or agent for or of some other person, then the expenses may be recovered either from him or from that other person, or in part from him and in part from that other person.
- (2) Sections 111 (Appeals) and 112 (Date of operation of notices etc.) shall apply in relation to a demand by a local authority for the recovery of such expenses and to

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an order made by a local authority with respect to any such expenses as they apply in relation to a demand for the recovery of expenses incurred by a local authority in executing works under section 108(3) and to an order made by a local authority with respect to any such expenses.

(3) Where a local authority have incurred such expenses, it shall be competent for them to make a charging order in favour of themselves in respect of such expenses; and Schedule 9 shall, with any necessary modifications, apply to a charging order so made in like manner as it applies to a charging order made under that Schedule.

(4) If a local authority apply to the sheriff and satisfy him—

- (a) that any such expenses reasonably incurred by them (with the interest accrued due thereon) have not been, and are unlikely to be, recovered, and
- (b) that some person is profiting by the execution of the works in respect of which the expenses were incurred to obtain rents or other payments which would not have been obtainable if those works had not been executed,

the sheriff, if satisfied that that person has had proper notice of the application, may order him to make such payment or payments to the local authority as may appear to the sheriff to be just.

## SCHEDULE 12

Section 199.

### TERMINATION OF EXCHEQUER PAYMENTS TO LOCAL AUTHORITIES AND CERTAIN PERIODICAL PAYMENTS TO OTHER PERSONS

1 (1) No payment shall be made—

- (a) for the year 1979-80 or any subsequent year to a local authority under any of the enactments specified in Part I of the Table in paragraph 2;
- (b) for the year 1978-79 or any subsequent year to—
  - (i) the Scottish Special Housing Association under any of the enactments specified in Parts II or III of that Table;
  - (ii) a development corporation under any of the enactments specified in Part II of that Table.

(2) The right of a local authority to receive any payment under any of the enactments specified in Part I of that Table or section 105 of the Housing (Scotland) Act 1950 shall be extinguished unless an application has been made for the payment before 31st March 1980 or such later date as the Secretary of State may in exceptional circumstances allow.

(3) Subject to the following provisions of this paragraph, where—

- (a) information given to the Secretary of State on any such application as is mentioned in sub-paragraph (2) for a payment includes any particulars which are, and are stated to be, based on an estimate; and
- (b) it appears to the Secretary of State—
  - (i) that the estimate is reasonable, and
  - (ii) 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;

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the Secretary of State may accept the estimate and make a payment accordingly.

- (4) Any payment made in pursuance of sub-paragraph (3) 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.
- (5) Where any payment is made in pursuance of sub-paragraph (3), the recipient shall not be entitled to question the amount of the payment on a ground which means that the estimate was incorrect.
- (6) Where the Secretary of State is not satisfied that the estimate is reasonable, he may, if he thinks fits, accept the application and make a payment of such amount as appears to him reasonable.
- (7) No housing association grant under Part II of the <sup>M22</sup>Housing Associations Act 1985 shall be paid to a local authority, the Association or a development corporation in respect of any project completed after 31st March 1979.
- (8) No payment shall be made for the year 1979-80 or any subsequent year under—
- (a) section 27(1) of the <sup>M23</sup>Housing (Scotland) Act 1949, section 89(1) of the <sup>M24</sup>Housing (Scotland) Act 1950 or section 21(1) of the 1968 Act (exchequer contributions for hostels); or
  - (b) section 33 of the Housing Act 1974 or section 55 of the Housing Associations Act 1985 (hostel deficit grants),
- to a local authority, the Association or a development corporation.

**Marginal Citations**

**M22** 1985 c. 69.

**M23** 1949 c. 61.

**M24** 1950 c. 34.

2            Table

**PART I**

PAYMENTS TO LOCAL AUTHORITIES

Chapter	Act	Section
1968 c. 31.	The Housing (Financial Provisions) (Scotland) Act 1968.	Section 13.
1969 c. 34.	The Housing (Scotland) Act 1969.	Section 59(1) so far as the payments thereunder relate to land to which the housing revenue account relates.
1972 c. 46.	The Housing (Financial Provisions) (Scotland) Act 1972.	Sections 2, 3 and 4.

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## PART II

### PAYMENTS TO THE SCOTTISH SPECIAL HOUSING ASSOCIATION AND DEVELOPMENT CORPORATIONS

Chapter	Act	Section
1968 c. 31.	The Housing (Financial Provisions) (Scotland) Act 1968.	Section 13.
1969 c. 34.	The Housing (Scotland) Act 1969.	Section 59(1).
1972 c. 46.	The Housing (Financial Provisions) (Scotland) Act 1972.	Sections 8, 9 and 10.

## PART III

F33

### Textual Amendments

**F33** Sch. 12 para. 2 Pt. III repealed by Housing (Scotland) Act 1988 (c. 43, SIF 61), ss. 1, 3, 72(3), Sch. 2 para. 15, **Sch. 10**

## SCHEDULE 13

Section 201(4).

### ENACTMENTS SPECIFYING EXCHEQUER CONTRIBUTIONS

The Housing (Scotland) Act <sup>M25</sup>1950.

### Marginal Citations

**M25** 14 Geo.6 c.34

The Housing (Scotland) Act <sup>M26</sup>1962, Part I.

### Marginal Citations

**M26** 10 & 11 Eliz.2 c.28

The Housing (Financial Provisions) (Scotland) Act <sup>M27</sup>1968.

**Status:** Point in time view as at 26/03/2001.

**Changes to legislation:** *Housing (Scotland) Act 1987 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Marginal Citations**

**M27** 1968 c.31.

F34

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**Textual Amendments**

**F34** Entry repealed by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(3), **Sch. 10**

F34

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F34

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SCHEDULE 14

Section 201(5).

ENACTMENTS SPECIFYING EXCHEQUER CONTRIBUTIONS  
 THAT MAY BE REDUCED, SUSPENDED OR DISCONTINUED

The Housing (Scotland) Act <sup>M28</sup>1950, sections 105, 110 and 121.

**Marginal Citations**

**M28** 14 Geo.6 c.34

The Housing (Scotland) Act <sup>M29</sup>1962, sections 12(3) and 14.

**Marginal Citations**

**M29** 10 & 11 Eliz.2 c.28

The Housing (Financial Provisions) (Scotland) Act <sup>M30</sup>1968, Part I, Part II (except sections 26 and 50) and section 58(4).

**Marginal Citations**

**M30** 1968 c.31.

F35

...

**Textual Amendments**

**F35** Entry repealed by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(3), **Sch. 10**

The Housing (Financial Provisions) (Scotland) Act <sup>M31</sup>1972, Part I.



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**Marginal Citations**

**M31** 1972 c.46.

... F35

... F35

SCHEDULE 15

Section 203.

THE HOUSING REVENUE ACCOUNT

**PART I**

APPLICATION OF ACCOUNT

- 1 (1) The houses, buildings and land specified for the purposes of section 203(1) (the housing revenue account) are—
- (a) all houses and other buildings which have been provided after 12th February 1919 for the purpose of—
    - (i) Part III of the Housing (Scotland) Act 1925, or
    - (ii) any enactment relating to the provision of housing accommodation for the working classes repealed by that Act, or
    - (iii) Part V of the Housing (Scotland) Act 1950, or
    - (iv) Part VII of the Act of 1966, or
    - (v) Part I of this Act;
  - (b) all land which after that date has been acquired or appropriated for the purposes of any of the enactments mentioned or referred to in paragraph (a) including—
    - (i) all land which is deemed to have been acquired under Part III of the said Act of 1925 by virtue of section 15(4) of the Housing (Scotland) Act 1935, and
    - (ii) any structures on such land which were made available to a local authority under section 1 of the Housing (Temporary Accommodation) Act 1944;
  - (c) all dwellings provided or improved by the local authority in accordance with improvement proposals approved by the Secretary of State under—
    - (i) section 2 of the Housing (Scotland) Act 1949, or
    - (ii) section 105 of the said Act of 1950, or
    - (iii) section 13 of the Act of 1968,and all land acquired or appropriated by the authority for the purpose of carrying out such proposals;
  - (d) all houses in housing action areas within the meaning of Part II of the Housing (Scotland) Act 1974 or Part IV of this Act which have been purchased by the local authority under Part II of the said Act of 1974 or Part IV of this Act for the purpose of bringing them or another house up to the

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- standard specified under section 16(3) or by virtue of section 17(3) of the Housing (Scotland) Act 1974 or section 90(3) or 91(3) of this Act;
  - (e) all buildings provided or converted for use as lodging houses (that is to say houses not occupied as separate dwellings) or hostels as defined in section 138(4) of the Act of 1966 and section 2(5) of this Act or as parts of lodging houses or hostels.
- (2) Where a house is for the time being vested in a local authority by reason of the default of any person in carrying out the terms of any arrangements under which assistance in respect of the provision, reconstruction or improvement of the house has been given under any enactment relating to housing, the house shall be deemed for the purposes of sub-paragraph (1) to be a house which has been provided by the authority under Part VII of the Act of 1966 or Part I of this Act.
- (3) The houses and other property to which a local authority’s housing revenue account relates shall include any property brought within the account before 27th August 1972—
- (a) with the consent of the Secretary of State given under section 60(1)(f) of the Act of 1968, or
  - (b) by virtue of subsection (2) of the said section (house vesting in local authority on default of another person).

**Modifications etc. (not altering text)**  
**C8** Sch. 15 para. 1(1)(e) extended (1.4.1999) by S.I. 1999/828, art. 3(3)

**PART II**

**OPERATION OF ACCOUNT**

*Credits*

- 2 (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, feuduties and any other charges in respect of houses and other property to which the account relates;
  - (c) the housing support grant payable to the local authority for that year;
  - (d) any income receivable by the local authority for that year in respect of all such buildings as are referred to in paragraph 1(1)(e);
  - (e) 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 3(f) of this Schedule;
  - <sup>F36</sup>(f) .....
  - (g) 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;
  - (h) any other income of any description, except a contribution out of the general fund kept under section 93 of the Local Government (Scotland) Act 1973,

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- receivable by the local authority for that year, being income relating to expenditure falling to be debited to the account for that year;
- (i) such other income of the local authority as the Secretary of State may direct.
- (2) Subject to sub-paragraph (3), 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) 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 paragraph 23 of Schedule 3 to the<sup>M32</sup>Local Government (Scotland) Act 1975.
- (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 3 below to debit loan charges to the account shall be carried to the credit of the account.
- (5) 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.

#### Textual Amendments

**F36** Sch. 15 para. 2(1)(f) repealed (1.4.1996) by 1994 c. 39, s. 180(2), Sch. 14; S.I. 1996/323, art. 4

#### Marginal Citations

**M32** 1975 c. 30.

#### Debits

- 3 —Subject to paragraph 4 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 paragraph 1(1)(a),
- (ii) 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<sup>M33</sup>Housing (Scotland) Act 1950 or under section 13 of the Act of 1968,
- (iii) meeting expenditure on the repair of houses and other property to which the account relates,
- (iv) the improvement of amenities of residential areas under section 251 on land to which the account relates,
- (v) the alteration, enlargement or improvement under section 2(3) of any house:

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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 period over which they are payable have been approved by him, to meet outstanding capital debt in respect of any house which, being a house to which the account related—

- (a) was demolished after 27th July 1972; or
- (b) was disposed of after 25th May 1978;
- (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 expenditure incurred by the local authority for that year in respect of all such buildings as are referred to in paragraph 1(1)(e);
- (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) 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;
- (g) such other expenditure incurred by the local authority as the Secretary of State directs shall be debited to the housing revenue account.

#### Marginal Citations

M33 1950 c. 34.

4 —A local authority shall not debit to the housing revenue account amounts equal to—

- (a) expenditure on the provision of anything under section 3 or 5 (which relate respectively to the powers of a local authority to provide shops, etc., and laundry facilities) or the supply of anything under section 4 (which relates to the power of a local authority to provide furniture, etc.), 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) shall apply to expenditure on the provision of—

- (i) anything referred to in paragraphs (a) and (b) of section 211(1) 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 under the terms of the tenancy of a house, and the exclusion from the housing revenue account of expenditure on the supply or provision of anything under sections 4 or 5 shall not extend to such expenditure when incurred in relation to a hostel or a lodging-house.

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### *[<sup>F37</sup> Provision of welfare services*

#### **Textual Amendments**

**F37** Sch. 15 para. 4A and crossnote inserted (retrospectively) by 1993 c. 28, ss. 150, 188(2)(b).

- <sup>F38</sup>4A Where in any year a local authority provide welfare services under section 5A, they may—
- (a) carry to the credit of the housing revenue account an amount equal to the whole or any part of the income of the authority for the year from charges in respect of the provision of those services;
  - (b) carry to the debit of the account an amount equal to the whole or any part of the expenditure of the authority for the year in respect of the provision of those services.]

#### **Textual Amendments**

**F38** Sch. 15 para. 4A inserted (retrospectively) by 1993 c. 28, ss.150, 188(2)(b).

### *Supplemental*

- 5 —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.
- 6 —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.
- 7 —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.
- 8 —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.
- 9 (1) If at any time a credit balance is shown in the housing revenue account, the whole or part of it may be made available for any purpose for which the general fund of the local authority maintained under section 93 of the Local Government (Scotland) Act 1973 may lawfully be applied.  
(2) If for any year a deficit is shown in the said account, the local authority shall carry to the credit of the account a [<sup>F39</sup>contribution out of the said general rate fund] of an amount equal to the deficit.

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**Textual Amendments**

**F39** Words substituted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 72\(1\), Sch. 8 para. 10](#)

10 —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 203 and Part I of this Schedule to keep the account.

SCHEDULE 16

Section 207(3).

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, feuduties and other charges in respect of houses and other property to which the account relates;
  - (b) ..... <sup>F40</sup>
  - (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;
  - (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.

**Textual Amendments**

**F40** [Sch. 16 para. 1\(b\)](#) repealed by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), ss. 67\(8\), 72\(3\), Sch. 10](#)

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 section 207(2);
  - (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;

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- (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 fund kept under section 93 of the <sup>M34</sup>Local Government (Scotland) Act 1973.

#### **Marginal Citations**

**M34** 1973 c.65.

- 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 17

Section 214(8).

#### CONDITIONS RELATING TO HOUSE LOANS

- 1 —The provisions of this Schedule shall have effect with respect to an advance under section 214.
- 2 —The advance, together with interest thereon, shall be secured by a heritable security.
- 3 —The amount of the principal of the advance shall not exceed the value of the subjects disposed or assigned in security, or as the case may be, the value which it is estimated the subjects disposed or assigned in security will bear when the construction, conversion, alteration, enlargement, repair or improvement has been carried out.
- 4 —The heritable security shall provide for repayment of the principal—
- (a) by instalments (of equal or unequal amounts) beginning either on the date of the advance or at a later date, or
  - (b) at the end of a fixed period (with or without a provision allowing the local authority to extend that period) or on the happening of a specified event before the end of that period.

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- 5 —It shall also provide for the payment of instalments of interest throughout the period beginning on the date of the advance and ending when the whole of the principal is repaid.
- 6 —In the event of any of the conditions subject to which the advance is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the local authority.
- 7 —That balance may in any event be repaid at any term of Whitsunday or Martinmas by the debtor after one month’s written notice of intention to repay has been given to the authority.
- 8 —Where the advance is for any of the purposes specified in paragraphs (b) to (d) of section 214(1) it may be made by instalments from time to time as the works of construction, conversion, alteration, enlargement, repair or improvement progress.
- 9 —The advance shall not be made except after a valuation duly made on behalf of the local authority.
- 10 —No advance shall be made unless the estate or interest in the lands proposed to be disposed or assigned in security is either ownership or a lease of which a period of not less than 10 years in excess of the period fixed for the repayment of the advance remains unexpired on the date on which the security is granted.
- 11 —In this Schedule, any reference, in relation to an advance, to a heritable security shall include a reference to such heritable security as may be agreed between the parties making and receiving the advance.

SCHEDULE 18

Section 244(6), (7) and (11).

STANDARD AMENITIES

[<sup>F41</sup>PART I

LIST OF AMENITIES AND MAXIMUM ELIGIBLE AMOUNTS]

**Textual Amendments**

**F41** Sch. 18 Pt. I substituted by S.I. 1987/2269, arts. 2, 4

<i>Description of amenity</i>	<i>Maximum eligible Amount</i>
A Fixed bath or shower	£450
A Hot and cold water supply at a fixed bath or shower	£570
A Wash-hand basin	£170
A Hot and cold water supply at a wash-hand basin	£305
A Sink	£450



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A Hot and cold water supply at a sink	£385
A Water closet	£680

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## PART II

### LIMIT ON AMOUNT OF APPROVED EXPENSES FOR STANDARD AMENITIES

- 1 —Subject to paragraph 3, the total amount of approved expense for the provision of standard amenities in respect of any one application shall not exceed the sum of the amounts allowable under the following provisions of this Part of this Schedule.
- 2 —Subject to paragraph 4, for each of the standard amenities provided there shall be allowed an amount of approved expense not exceeding the maximum eligible amount specified for an amenity of that description in the second column of Part I of this Schedule or the amount substituted therefor under the following provisions of this Part of this Schedule.
- 3 —Subject to the provisions of section 242, the maximum eligible amounts specified in the second column of Part I of this Schedule may be exceeded by such amount as the local authority approve if the local authority are satisfied in any particular case that an increased estimate for the works is justifiable.
- 4 —An amount shall not be allowed for more than one amenity of the same description; and no amount shall be allowed for an amenity of any description if at the time the works were begun the house was provided with an amenity of that description, except where the works involved interference with or replacement of that amenity and the local authority are satisfied that it would not have been reasonably practicable to avoid the interference or replacement.

## SCHEDULE 19

Section 246(5).

### CONSEQUENCES OF BREACH OF CONDITIONS OF IMPROVEMENT GRANT

- 1 —Subject to paragraphs 4 and 5, the local authority shall forthwith demand the repayment to them by the owner for the time being of the house of the whole amount of any sums paid by the authority by way of improvement grant in respect of the expenses incurred for the purpose of the execution of those works together with interest thereon for the period from the date of payment of the grant, or where the grant was paid in instalments, from the date of payment of the final settlement of the balance by the authority to the date of repayment to the authority.
- 2 —If the local authority are satisfied that the breach of any condition is capable of being remedied, they may, with the consent of the Secretary of State and subject to such conditions (if any) as he may approve, direct that the operation of section 246 shall in relation to the breach be suspended for such period as appears to them to be necessary for enabling the breach to be remedied and if the breach is remedied within that period may direct that the said provisions shall not have effect in relation to the breach.
- 3 —If the local authority are satisfied that the breach although not capable of being remedied was not due to the act, default or connivance of the owner for the time being of the house, they may, with the like consent and subject to such conditions

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- as mentioned in paragraph 2, direct that the said provisions shall not have effect in relation to the breach.
- 4 —Upon the satisfaction of a liability of an owner of a house to make payment under paragraph 1 above to a local authority observance with respect to the house of the conditions specified in section 246 shall cease to be required.
- 5 —On the application of the local authority, the sheriff within whose jurisdiction is situated any house with respect to which the conditions specified in section 246 are for the time being required to be observed may, whether or not any other relief is claimed, grant an interdict restraining a breach or apprehended breach in relation to the house of any of those conditions.
- 6 (1) In any case where in pursuance of paragraph 4, observance of any conditions specified in section 246 ceases to be required with respect to a house the local authority shall so state in the notice mentioned in sub-paragraph (2) or the record mentioned in sub-paragraph (3).
- (2) Where the applicant for the grant was not a tenant-at-will, or was a tenant-at-will who, since applying, has acquired his landlord's interest in the tenancy the local authority shall cause to be recorded in the General Register of Sasines or registered in the Land Register, as the case may be, a notice in the prescribed form.
- (3) Where that applicant was, and continues to be, a tenant-at-will, the local authority shall keep a written record of the fact.
- (4) The cost of such recording in the Register of Sasines or such registration in the Land Register shall be repaid to the authority by the owner of the house.
- 7 —In the event of a breach of any of the conditions specified in section 246 at a time when they are required to be observed with respect to a house it shall be competent for the local authority to make a charging order in favour of themselves for the amount that becomes payable to them by virtue of this Schedule in consequence of such a breach, and the provisions of Schedule 9 shall, subject to any necessary modifications, apply to a charging order so made in like manner as they apply to a charging order made under that Schedule.
- 8 —In this Schedule, “interest” means compound interest calculated at such reasonable rate as the local authority may determine and with yearly rests.

## SCHEDULE 20

Section 275.

### ASSISTANCE BY WAY OF REPURCHASE

#### PART I

#### THE AGREEMENT TO REPURCHASE

##### *The interest to be acquired*

- 1 In this Schedule, “the interest to be acquired” means the interest of the person entitled to assistance by way of repurchase, so far as subsisting in—
- (a) the defective dwelling, and

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- (b) any garage, outhouse, garden, yard and pertinents belonging to or usually enjoyed with the dwelling or a part of it.

*Request for notice of proposed terms of acquisition*

- 2 —A person who is entitled to assistance by way of repurchase may, within the period of three months beginning with the service of the notice of determination, or that period as extended, request the purchasing authority in writing to notify him of the proposed terms and conditions for their acquisition of the interest to be acquired.

*Authority's notice of proposed terms*

- 3 —The purchasing authority shall, within the period of three months beginning with the making of a request under paragraph 2, serve on the person so entitled [<sup>F42</sup>an offer to purchase] in writing specifying the proposed terms and conditions including those that are reasonably necessary to enable the authority to receive a good and marketable title and stating their opinion as to the value of the interest to be acquired.

**Textual Amendments**

- F42** Words substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 72\(1\), Sch. 7 para. 29](#)

*Unreasonable terms*

- 4 —Where an offer to purchase is served on the person so entitled and he wishes to sell but he considers that a term or condition contained in the offer to purchase is unreasonable, he may request the authority to strike out or vary the term or condition by serving on the authority, within one month after service of the offer to purchase, a notice in writing setting out his request; and if the authority agree they shall accordingly serve an amended offer to purchase within one month of service of the said notice setting out the request.

*Appeal*

- 5 —A person so entitled who is aggrieved by the refusal of an authority to agree to strike out or vary a term or condition or by their failure timeously to serve an amended offer to purchase may within one month of the refusal or failure apply by way of summary application to the sheriff for determination of the matter; and the sheriff may, as he thinks fit, uphold the term or condition or strike it out or vary it and where his determination results in a variation of the terms or conditions of the offer to purchase he shall order the authority to serve on the person entitled an amended offer to purchase within one month thereafter.

*Notice of acceptance*

- 6 —The person so entitled may at any time within the period of six months beginning with—  
(a) the service of the offer to purchase by the authority; or  
(b) the service of an amended offer to purchase under paragraph 4; or

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- (c) the date of the determination of the sheriff;  
 serve a notice of acceptance on the authority.

*Extensions*

- 7 —The authority shall, if there are reasonable grounds for doing so, by notice in writing served on the person so entitled, extend (or further extend) the period within which—
- (a) under paragraph 2, he may request them to notify him of the terms and conditions proposed for their acquisition of the interest to be acquired;
  - (b) under paragraph 4, he may request them to strike out or vary the term or condition;
  - (c) under paragraph 5, he may apply to the sheriff for determination of a matter;  
or
  - (d) under paragraph 6, he may serve a notice of acceptance on them;
- whether or not the period has expired.

*Interest acquired to be treated as if acquired under Part I*

- 8 —An interest acquired by a local authority under this Part of this Schedule shall be treated as acquired under section 9.

**PART II**

**PRICE PAYABLE AND VALUATION**

*The price*

- 9 (1) The price payable for the acquisition of an interest in pursuance of this Part is 95 per cent. of the value of the interest at the relevant time.
- (2) In this Schedule, “the relevant time” means the time at which the notice under paragraph 3 (authority’s notice of proposed terms of acquisition) is served on the person entitled to assistance.

*The value*

- 10 (1) For the purposes of this Schedule, the value of an interest at the relevant time is the amount which, at that time, would be realised by a disposal of the interest on the open market by a willing seller to a person other than the purchasing authority on the following assumptions—
- (a) that none of the defective dwellings to which the designation in question relates is affected by the qualifying defect;
  - (b) that no liability has arisen under the provisions in section 72;
  - (c) that no obligation to acquire the interest arises under this Part; and
  - (d) that (subject to the preceding paragraphs) the seller is selling with and subject to the rights and burdens with and subject to which the disposal is to be made.
- (2) Where the value of an interest falls to be considered at a time later than the relevant time and there has been since the relevant time a material change in the circumstances

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affecting the value of the interest, the value at the relevant time shall be determined on the further assumption that the change had occurred before the relevant time.

- (3) In determining the value of an interest no account shall be taken of any right to the grant of a tenancy under section 282 (former owner-occupier) or section 283 (former statutory tenant).

#### *Determination of value*

- 11 (1) Any question arising under this Schedule as to the value of an interest in a defective dwelling shall be determined by the district valuer in accordance with this paragraph.
- (2) The person entitled to assistance or the purchasing authority may require that value to be determined or redetermined by notice in writing served on the district valuer—
- (a) within the period beginning with the service on the person entitled to assistance of an offer to purchase under paragraph 3 (authority's notice of proposed terms of acquisition) and ending with the conclusion of missives; or
  - (b) after the end of that period but before the parties enter into an agreement for the acquisition of the interest of the person so entitled, if there is a material change in the circumstances affecting the value of the interest.
- (3) A person serving notice on the district valuer under this paragraph shall serve notice in writing of that fact on the other party.
- (4) Before making a determination in pursuance of this paragraph, the district valuer shall consider any representation made to him, within four weeks of the service of the notice under this paragraph, by the person entitled to assistance or the purchasing authority.

#### *Certain grant conditions cease to have effect*

- 12 —Where the interest to be acquired is or includes a house in relation to which a grant has been made under Part XIII—
- (a) observance with respect to the house of any of the conditions specified in section 246 (conditions to be observed with respect to a house in respect of which a grant has been made) shall cease to be required with effect from the time of disposal of the interest and paragraph 6 of Schedule 19 (requirements as to records when observance of conditions ceases to be required) shall apply as it applies in the case there mentioned; and
  - (b) the owner for the time being of the house shall not be liable to make in relation to the grant any payment under Schedule 19 (consequences of breach of conditions) unless the liability to do so arises from a demand made before the time of disposal of the interest.

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## SCHEDULE 21

Section 294.

### DWELLINGS INCLUDED IN MORE THAN ONE DESIGNATION

#### *Introductory*

- 1 —This Schedule applies in relation to a defective dwelling where the building that the dwelling consists of or includes falls within two or more designations under section 257 (designation by Secretary of State) or 287 (designation under local scheme).

#### *Cases in which later designation to be disregarded*

- 2 —Where a person is already eligible for assistance in respect of a defective dwelling at a time when another designation comes into operation, the later designation shall be disregarded if—
- (a) he would not be eligible for assistance in respect of the dwelling by virtue of that designation, or
  - (b) he is by virtue of an earlier designation entitled to assistance by way of repurchase in respect of the dwelling.

#### *In other cases any applicable designation may be relied on*

- 3 —Where a person is eligible for assistance in respect of a defective dwelling and there are two or more applicable designations, this Part has effect in relation to the dwelling as if—
- (a) references to the designation were to any applicable designation;
  - (b) references to the provision by virtue of which it is a defective dwelling were to any provision under which an applicable designation was made;
  - (c) references to the qualifying defect were to any qualifying defect described in an applicable designation;
  - (d) references to the period within which persons may seek assistance under this Part were to any period specified for that purpose in any applicable designation; and
  - (e) the reference in section 271(1)(c) (amount of reinstatement grant) to the maximum amount permitted to be taken into account for the purposes of that section were to the aggregate of the maximum amounts for each applicable designation.

#### *Procedure to be followed where later designation comes into operation*

- 4 —The following provisions of this Schedule apply where—
- (a) notice has been given to a person under section 264 (determination of eligibility) stating that he is in the opinion of the local authority eligible for assistance in respect of a defective dwelling, and
  - (b) after the notice has been given another designation comes into operation designating a class within which the building that consists of or includes the dwelling falls.
- 5 (1) The local authority shall, as soon as reasonably practicable, give him notice in writing stating whether in their opinion the new designation falls to be disregarded in accordance with paragraph 2.

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- (2) If in their opinion it is to be disregarded the notice shall state the reasons for their view.
- 6 (1) This paragraph applies where it appears to the authority that the new designation does not fall to be disregarded.
- (2) They shall forthwith give him notice in writing—
- (a) stating the effect of the new designation and of paragraph 3 (new designation may be relied on) and sub-paragraph (3) below (entitlement to be redetermined), and
  - (b) informing him that he has the right to make a claim under section 265(2) (claim that assistance by way of reinstatement grant is inappropriate in his case).
- (3) They shall as soon as reasonably practicable—
- (a) make a further determination under section 265(1) (determination of form of assistance to which person is entitled), taking account of the new designation, and
  - (b) give a further notice of determination in place of the previous notice;
- and where the determination is that he is entitled to assistance by way of repurchase, the notice shall state the effect of paragraph 7 (cases where reinstatement work already begun or contracted for).
- 7 (1) This paragraph applies where a person entitled to assistance by way of reinstatement grant is given a further notice of entitlement under paragraph 6 stating that he is entitled to assistance by way of repurchase; and “the reinstatement work” means the work stated in the previous notice or in a notice under section 272 (change of work required).
- (2) Where in such a case—
- (a) he satisfies the authority that he has, before the further notice was received, entered into a contract for the provision of services or materials for any of the reinstatement work, or
  - (b) any such work has been carried out before the further notice was received, and has been carried out to the satisfaction of the appropriate authority,
- the previous notice (and any notice under section 272 (change of work required)) continues to have effect for the purposes of reinstatement grant in relation to the reinstatement work or, in a case within paragraph (b), such of that work as has been carried out as mentioned in that paragraph, and the authority shall pay reinstatement grant accordingly.
- (3) Where in a case within sub-paragraph (2) the reinstatement work is not completed but part of the work is carried out to the satisfaction of the appropriate authority within the period stated in the notice in question—
- (a) the amount of reinstatement grant payable in respect of that part of the work shall be an amount equal to the maximum instalment of grant payable under section 273(2) (instalments not to exceed appropriate percentage of cost of work completed), and
  - (b) section 274 (repayment of grant in event of failure to complete work) does not apply in relation to reinstatement grant paid in respect of that part of the work.

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## SCHEDULE 22

Section 339.

### TRANSITIONAL PROVISIONS AND SAVINGS

#### PART I

#### TRANSITIONAL PROVISIONS

##### *General*

- 1 —The re-enactment of provisions in, and the consequent repeal of those provisions  
 by this Act, does not affect the continuity of those provisions.
- 2 —In so far as—
- (a) any requirement, prohibition, determination, order or regulation made by  
 virtue of an enactment repealed by this Act, or
  - (b) any direction or notice given by virtue of such an enactment, or
  - (c) any proceedings begun by virtue of such an enactment, or
  - (d) anything done or having effect as if done,
- could, if a corresponding enactment in this Act were in force at the relevant time,  
 have been made, given, begun or done by virtue of the corresponding enactment,  
 it shall, if effective immediately before the corresponding enactment comes into  
 force, continue to have effect thereafter as if made, given, begun or done by virtue  
 of that corresponding enactment.
- 3 —Where any enactment passed before this Act, or any instrument or document  
 refers either expressly or by implication to an enactment repealed by this Act the  
 reference shall (subject to its context) be construed as or as including a reference  
 to the corresponding provision of this Act.
- 4 —Where any period of time specified in any enactment repealed by this Act is  
 current at the commencement of this Act, this Act has effect as if its corresponding  
 provision had been in force when that period began to run.
- 5 (1) The general rule is that the provisions of this Act apply, in accordance with the  
 foregoing paragraphs, to matters arising before the commencement of this Act as to  
 matters arising after that commencement.
- (2) The general rule has effect subject to any express provision to the contrary, either in  
 this Schedule or in connection with the substantive provision in question.
- (3) The general rule does not mean that the provisions of this Act apply to cases to  
 which the corresponding repealed provisions did not apply by virtue of transitional  
 provision made in connection with the commencement of the repealed provisions  
 (such transitional provisions, if not specifically reproduced, are saved by paragraph  
 8).
- (4) The general rule does not apply so far as a provision of this Act gives effect  
 to an amendment made in pursuance of a recommendation of the Scottish Law  
 Commission.



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*Persons holding office*

- 6 —Any person who at the commencement of this Act is holding office or acting or serving under or by virtue of any enactment repealed by this Act or by the Act of 1966 shall continue to hold his office or to act or serve as if he had been appointed under this Act.

*Security of tenure of tenants of regional councils, etc.*

- 7 —Notwithstanding the repeal by this Act of section 16(2) and (3)(b) of the <sup>M35</sup>Tenants’ Rights, Etc (Scotland) Act 1980, those provisions shall continue to have effect for the purposes of paragraph 4 of the <sup>M36</sup>Housing (Scotland) Act 1986 (Consequential, Transitional and Supplementary Provisions) Order 1986 (application of transitional provisions relating to secure tenant’s right to written lease to tenants of regional councils, police authorities and fire authorities).

**Marginal Citations**

**M35** 1980 c.52.

**M36** S.I. 1986/2139

**PART II**

**SAVINGS**

*General saving for old transitional provisions*

- 8 —The repeal by this Act of a provision relating to the coming into force of a provision it reproduces does not affect the operation of that provision, in so far as it is not specifically reproduced but remains capable of having effect, in relation to the corresponding provision of this Act.

*General saving for old savings*

- 9 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.  
(2) The repeal by this Act of a saving made on the previous repeal of an enactment does not affect the operation of the saving in so far as it is not specifically reproduced but remains capable of having effect.

*Transfers under section 14 of the Housing (Homeless Persons) Act 1977*

- 10 (1) The repeal by this Act of section 14 of the Housing (Homeless Persons) Act 1977 (transfers of property and staff) does not affect the operation of any order previously made under that section.  
(2) The transfer of an employee in pursuance of such an order shall be treated—  
<sup>F43</sup>(a) .....

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- (b) for the purposes of [F44 Chapter I of Part XIV of the Employment Rights Act 1996] (continuity of employment) as occurring on the transfer of an undertaking.

**Textual Amendments**

**F43** Sch. 22 para. 10(2)(a) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I

**F44** Words in Sch. 22 para. 10(2)(b) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, Sch. 1 para. 33

*Use of existing forms, etc.*

- 11 —Any document made, served or issued on or after this Act comes into force which contains a reference to an enactment repealed by this Act shall be construed, except so far as a contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of this Act.

*Secure tenant: reimbursement of cost of work done before 3rd October 1980*

- 12 —The repeal of section 24(1) of the Tenants' Rights, Etc (Scotland) Act 1980 does not affect the operation of that section in relation to works carried out before 3rd October 1980.

*Contributions under sections 106 and 121 of the Housing (Scotland) Act 1950 (c.34) and section 14 of the Housing (Scotland) Act 1962 (c.28)*

- 13 —Contributions remain payable by the Secretary of State under sections 106 and 121 of the Housing (Scotland) Act 1950 and section 14 of the Housing (Scotland) Act 1962 (contributions payable annually for periods of between 20 and 60 years).

SCHEDULE 23

Section 339.

MINOR AND CONSEQUENTIAL AMENDMENTS

*General*

- 1 —Any reference in any previous enactment to “standard amenities” as set out in section 39 of the Housing (Financial Provisions) (Scotland) Act 1968 or in section 7 of the M37 Housing (Scotland) Act 1974 is a reference to the standard amenities for the purposes of Part XIII as provided for in section 244.

**Marginal Citations**

**M37** 1974 c. 45.

- 2 —Any reference in any previous enactment to “tolerable standard” as defined in section 2 of the Housing (Scotland) Act 1969 or in section 14 of the Housing (Scotland) Act 1969 or in section 14 of the Housing (Scotland) Act 1974 is a reference to the tolerable standard as defined in section 86.

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*The Crofters Holdings (Scotland) Act 1886 (c. 29)*

- 3 —In the Schedule, in paragraph 1A, for the words “Part II of the Housing (Scotland) Act 1974” substitute the words “ Part I of Schedule 8 to the Housing (Scotland) Act 1987 ”.

*The Sheriff Courts (Scotland) Act 1907 (c. 51)*

- 4 —In the Sheriff Courts (Scotland) Act 1907, after section 38 there shall be inserted the following section—

**“38A Notice of termination in respect of dwelling-houses.**

—Any notice of termination of tenancy or notice of removal given under section 37 or 38 above in respect of a dwelling-house, on or after 2nd December 1974, shall be in writing and shall contain such information as may be prescribed by virtue of section 112 of the Rent (Scotland) Act 1984, and Rule 112 of Schedule 1 to this Act shall no longer apply to any such notice under section 37 above.”

*The Crofters (Scotland) Act 1955 (c. 21)*

- 5 —In Schedule 5, in paragraph 1A, for the words “Part II of the Housing (Scotland) Act 1974” substitute the words “ Part I of Schedule 8 to the Housing (Scotland) Act 1987 ”.

*The Clean Air Act 1956 (c. 52)*

F45 6 .....

**Textual Amendments**

F45 Sch. 23 para. 6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch. 6.

*The Coal Mining (Subsidence) Act 1957 (c. 59)*

F46 7 .....

**Textual Amendments**

F46 Sch. 23 para. 7 repealed (30.11.1991) by Coal Mining Subsidence Act 1991 (c. 45, SIF 86), s. 53(2), Sch. 8(with Sch. 7); S.I. 1991/2508, art.2

*The Building (Scotland) Act 1959 (c. 24)*

- 8 —In the Sixth Schedule, in paragraph 4(b)(ii), for the words “1950” substitute the words “ 1987 ”.

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*The Pipe-lines Act 1962 (c. 58)*

- 9 —In section 30(2), for the words “181”, “1966” and “Part III” substitute the words “127”, “1987” and “Part VI” respectively.

*The Land Compensation (Scotland) Act 1963 (c. 51)*

- 10 (1) In section 15(7), for paragraph (d) substitute the following paragraph—  
“(d) paragraph 4 of Schedule 1 to the Housing (Scotland) Act 1987.”.
- (2) For Schedule 2 (acquisition of houses as being unfit for human habitation), substitute the following Schedule—

“SCHEDULE 2

ACQUISITION OF HOUSES WHICH DO  
NOT MEET THE TOLERABLE STANDARD

*Acquisitions to which this Schedule applies*

- 1 (1) This Schedule applies to a compulsory acquisition of a description mentioned in sub-paragraph (2) where the land in question comprises a house which, in the opinion of the appropriate local authority does not meet the tolerable standard.
- (2) The compulsory acquisitions referred to are—
- (a) an acquisition under Part VI of the Town and Country Planning (Scotland) Act 1972, or
  - (b) an acquisition under section 13 of the Housing and Town Development (Scotland) Act 1957, or
  - (c) an acquisition in pursuance of Part IX of the Town and Country Planning (Scotland) Act 1972, or
  - (d) an acquisition of land within the area designated by an order under section 1 of the New Towns (Scotland) Act 1968 as the site of a new town, or
  - (e) an acquisition by a development corporation or a local roads authority or the Secretary of State under the New Towns (Scotland) Act 1968 or under any enactment as applied by any provision of that Act, or
  - (f) an acquisition by means of an order under section 141 of the Local Government, Planning and Land Act 1980 vesting land in an urban development corporation; or
  - (g) an acquisition by such a corporation under section 142 of that Act.

*Procedure*

- 2 (1) The local authority may make and submit to the Secretary of State an order, in such form as may be prescribed by regulations made under section 330 of the Housing (Scotland) Act 1987, declaring that the house does not meet the tolerable standard and if—

*Status: Point in time view as at 26/03/2001.*

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- (a) that order is confirmed by the Secretary of State, either before or concurrently with the confirmation of a compulsory purchase order for the acquisition of the land, or
    - (b) in a case where the acquisition is in pursuance of a notice to treat deemed to have been served in consequence of the service of a notice under section 170 of the Town and Country Planning (Scotland) Act 1972 or the provisions of that section as applied by or under any other enactment or in consequence of the service of a notice under section 11 of the New Towns (Scotland) Act 1968 or under section 182 of the Town and Country Planning (Scotland) Act 1972, the order is made before the date on which the notice to treat is deemed to have been served and is subsequently confirmed by the Secretary of State,
- section 305 and paragraph 12(2) and (3) of Schedule 8 to the Housing (Scotland) Act 1987 (which relate respectively to payments in respect of certain well-maintained houses under Part XV and to compensation for compulsory acquisition under Part IV of the Housing (Scotland) Act 1987) shall apply as if the house had been purchased under Part IV as not meeting the tolerable standard, and as if any reference in that section and paragraph to the local authority were a reference to the acquiring authority.
- (2) Before submitting to the Secretary of State an order under this paragraph, the local authority by whom the order was made shall serve on every owner, and (so far as it is reasonably practicable to ascertain such persons) on the superior of, and the holder of every heritable security over, the land or any part thereof, a notice in such form as may be prescribed as mentioned in the last preceding sub-paragraph, stating the effect of the order and that it is about to be submitted to the Secretary of State for confirmation, and specifying the time within which, and the manner in which, objection thereto can be made.
  - (3) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order; but in any other case he shall, before confirming the order, consider any objection not withdrawn, and shall, if either the person by whom the objection was made or the local authority so desires, afford to that person and the authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
  - (4) Section 86 of the Housing (Scotland) Act 1987 shall have effect in determining for the purposes of this paragraph whether a house meets the tolerable standard as it has effect in so determining for the purposes of that Act.
  - (5) In this paragraph “appropriate local authority” means a local authority who, in relation to the area in which the land in question is situated, are a local authority for the purposes of the provisions of Part IV of the Housing (Scotland) Act 1987 relating to housing action areas; and “owner,” in relation to any land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes also a lessee under a lease the unexpired period of which exceeds three years.

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### *Amount of compensation*

- 3 (1) Where in relation to a compulsory acquisition, section 120(2) to (4) or paragraph 12(2) and (3) of Schedule 8 to the Housing (Scotland) Act 1987 (which relate respectively to the compensation to be paid on the compulsory acquisition of closed houses, and of houses not meeting the tolerable standard) apply (whether by virtue of that Act or of an order under paragraph 2 of this Schedule) and—
- (a) the relevant land consists of or includes the whole or part of a house (in this paragraph referred to as “the relevant house”) and, on the date of the making of the compulsory purchase order in pursuance of which the acquisition is effected, the person then entitled to the relevant interest was, in right of that interest, in occupation of the relevant house or part thereof as a private dwelling, and
  - (b) that person either continues, on the date of service of the notice to treat, to be entitled to the relevant interest, or, if he has died before that date, continued to be entitled to that interest immediately before his death,
- the following provisions of this paragraph shall apply in relation to the acquisition; and in those provisions “the dwelling” means so much of the relevant house as the said person occupied as aforesaid.
- (2) Subject to the next following sub-paragraph, the amount of the compensation payable in respect of the acquisition of the relevant interest shall not in any event be less than the gross annual value of the dwelling.
  - (3) Where a payment falls to be made under section 304 or 305 of the Housing (Scotland) Act 1987 to the person entitled to the relevant interest, and that payment is attributable to the relevant house, any reference in the last preceding sub-paragraph to the amount of the compensation payable in respect of the acquisition of the relevant interest shall be construed as a reference to the aggregate of that amount and of the amount of the payment.
  - (4) For the purposes of this paragraph the gross annual value of the dwelling shall be determined as follows—
    - (a) if the dwelling constitutes the whole of the relevant house, the gross annual value of the dwelling shall be taken to be the value which, on the date of service of the notice to treat, is shown in the valuation roll then in force as the gross annual value of that house for rating purposes;
    - (b) if the dwelling is only part of the relevant house, an apportionment shall be made of the gross annual value of the relevant house for rating purposes, as shown in the valuation roll in force on the date of service of the notice to treat, and the gross annual value of the dwelling shall be taken to be the amount which, on such an apportionment, is properly attributable to the dwelling.
  - (5) Any reference in this paragraph to the compensation payable in respect of the acquisition of the relevant interest shall be construed as excluding so much (if any) of that compensation as is attributable to disturbance or to severance or injurious affection.

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- (6) Nothing in this paragraph shall affect the amount which is to be taken for the purposes of section 20 of this Act (which relates to the consideration payable for the discharge of land from feu-duty and incumbrances) as the amount of the compensation payable in respect of the acquisition of the relevant interest.
- (7) In the application of this paragraph to any lands and heritages whose net annual value is ascertained under subsection (8) of section 6 of the Valuation and Rating (Scotland) Act 1956 (and for which there is therefore no gross annual value shown in the valuation roll)—
- (a) in sub-paragraph (2) above, for the word “gross” there shall be substituted the words “1.25 times the net”; and
  - (b) in sub-paragraph (4) above, for the word “gross”, wherever it occurs, there shall be substituted the word “net”.

#### *Interpretation*

- 4 —This Schedule shall be construed as one with Parts IV and XV of the Housing (Scotland) Act 1987.”.

#### *The Local Government (Scotland) Act 1966 (c.51)*

- 11 —In section 46(1) (general interpretation), in the definition of “housing revenue account”, for the words “23 of the Housing (Financial Provisions) (Scotland) Act 1972”, substitute the words “203 of the Housing (Scotland) Act 1987”.

#### *The National Loans Act 1968 (c.13)*

- 12 —In Schedule 4, for the words “78” and “1950” substitute the words “231” and “1987” respectively.

#### *The New Towns (Scotland) Act 1968 (c.16)*

- 13 (1) In section 6, subsection (6) shall cease to have effect.
- (2) After section 38A of the New Towns (Scotland) Act 1968 (as inserted by section 4(2) of the Statutory Corporations (Financial Provisions) Act 1974) there shall be inserted the following section—

#### **“38B Disposal of surplus funds of development corporations.**

- (1) Where it appears to the Secretary of State, after consultation with the Treasury and the development corporation, that a development corporation have a surplus, whether on capital or on revenue account, after making allowance by way of transfer to reserve or otherwise for their future requirements, the development corporation shall, if the Secretary of State after such consultation as aforesaid so directs, pay to the Secretary of State such sum not exceeding the amount of that surplus as may be specified in the direction; and any sum received by the Secretary of State under this section shall, subject to subsection (3) of this section, be paid into the Consolidated Fund.

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- (2) The whole or part of any payment made to the Secretary of State by a development corporation under subsection (1) above shall, if the Secretary of State with the approval of the Treasury so determines, be treated as made by way of repayment of such part of the principal of advances under section 37(1) of this Act, and as made in respect of the repayments due at such times, as may be so determined.
- (3) Any sum treated under subsection (2) above as a repayment of a loan shall be paid by the Secretary of State into the National Loans Fund.”

*The Clean Air Act 1968 (c.62)*

F47 14 .....

**Textual Amendments**

F47 Sch. 23 para. 14 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch. 6.

*The Post Office Act 1969 (c.48)*

- 15 —In Schedule 4—
- (a) in paragraph 83(1), for “II of the Housing (Scotland) Act 1974” substitute “ IV of the Housing (Scotland) Act 1987 ”;
- (b) in paragraph 83(2), for “section 33 of the Housing (Scotland) Act 1974”, substitute “ paragraph 9 of Schedule 8 to the Housing (Scotland) Act 1987 ”;
- (c) in paragraph 83(3), for “33(4) of the Housing (Scotland) Act 1974” substitute “ paragraph 9(4) of Schedule 8 to the Housing (Scotland) Act 1987 ”;
- (d) in paragraph 88(3), for “208 of the Housing (Scotland) Act 1966” substitute “ section 338 of the Housing (Scotland) Act 1987 ”.

*The Local Authority Social Services Act 1970 (c.42)*

- 16 —In Schedule 1, at the end insert in column 1 the words “Housing (Scotland) Act 1987 (c. 26) Section 38(b)” and in column 2 the words “Co-operation in relation to homeless persons and persons threatened with homelessness.”.

*The Chronically Sick and Disabled Persons Act 1970 (c.44)*

- 17 —In section 3(2), for the words “VII”, “1966” and “137” substitute the words “ I ”, “ 1987 ” and “ 1 ” respectively.

*The Town and Country Planning (Scotland) Act 1972 (c.52)*

F48 18 .....

**Textual Amendments**

F48 Sch. 23 para. 18 repealed (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 1 Pt. I



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*The Land Compensation (Scotland) Act 1973 (c.56)*

- 19 (1) In section 27(1)(f), for the words “15(2) of the Tenants’ Rights, Etc (Scotland) Act 1980” and “2” substitute the words “ 48(2) of the Housing (Scotland) Act 1987 ” and “ 3 ” respectively.
- (2) In section 27(7)—
- (a) in paragraph (a), for the words “II”, “1966”, “14A of the Housing (Scotland) Act 1974” substitute the words “ VI ”, “ 1987 ”, “ 88 of that Act ” respectively;
  - (b) in paragraph (b), for the words “56” substitute the words “ 125 ”; and omit the words “of 1966”;
  - (c) in paragraph (c), for the words “15(4)(i)” substitute the words “ 117(2)(a) ”; and omit the words “of 1966”;
  - (d) in paragraph (d), for the words “II of the Housing (Scotland) Act 1974” substitute the words “ I of Schedule 8 to that Act ”.
- (3) In section 29(7AA), for the words “14 of the Tenants’ Rights, Etc. (Scotland) Act 1980” and “2” substitute the words “ 47 and 48(2) of the Housing (Scotland) Act 1987 ” and “ 3 ” respectively.
- (4) In section 34(2), for the words from “section 20” to the end substitute the words “ section 121 and paragraph 12 of Schedule 8 to the Housing (Scotland) Act 1987 and “owner occupier’s supplement” means a payment under sections 308 to 311 of that Act. ”.
- (5) In section 36—
- (a) in subsection (4)(b), after the words “1968” insert the words “ or section 214 of the Housing (Scotland) Act 1987 ”;
  - (b) in subsection (7), for the words “VII” and “1966” substitute the words “ I ” and “ 1987 ” respectively.
- (6) In section 38(6), for the words “1974” and “14” substitute the words “ 1987 ” and “ 86 ”.
- (7) In section 39—
- (a) in subsections 1(b) and 2(a), (b), for the words “VII” and “1966” substitute the words “ I ” and “ 1987 ” respectively;
  - (b) in subsection (6), for the words “(Financial Provisions) (Scotland) Act 1972” substitute the words “ (Scotland) Act 1987 ”.
- (8) In section 53(3), for the words “114”, “1966” and “VII” substitute the words “ 11 ”, “ 1987 ” and “ I ” respectively.
- <sup>F49</sup>(9) .....
- <sup>F49</sup>(10) .....
- (11) In section 80—
- (a) in the definition of “housing association” for the words “section 208(1) of the Housing (Scotland) Act 1966” substitute the words “ the Housing Associations Act 1985 ”;
  - (b) in the definition of “registered”, for the words from “in the register” to the end substitute the words “ under the Housing Associations Act 1985 ”.

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**Textual Amendments**

**F49** Sch. 23 para. 19(9)(10) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. 1

*The Local Government (Scotland) Act 1973 (c.65)*

- 20 (1) In section 130—
- (a) in subsection (1), for the words “Acts 1966 to 1973” substitute the words “Act 1987”;
  - (b) in subsection (2), for the words “VII” and “1966” substitute the words “I” and “1987”.
- (2) In section 131, subsection (2) shall cease to have effect.
- (3) In section 236(2)(d), for the words “Acts 1966 to 1973” substitute the words “Act 1987”.
- (4) In Schedule 9, paragraph 73 shall cease to have effect.
- (5) In Schedule 12, paragraphs 1, 2, 5, 6 to 19 and 21 to 24 shall cease to have effect.

*Consumer Credit Act 1974 (c.37)*

- 21 —In section 16(1)(ff), for the words “2 of the 1978 Act or section 31 of the 1980 Act” substitute the words “223 or 229 of the Housing (Scotland) Act 1987”.

*Land Tenure Reform (Scotland) Act 1974 (c.38)*

- 22 —In section 8(7), for the words “Tenants’ Rights, Etc (Scotland) Act 1980” substitute the words “Housing (Scotland) Act 1987”.

*Local Government (Scotland) Act 1975 (c.30)*

<sup>F50</sup>23 .....

**Textual Amendments**

**F50** Sch. 23 para. 23 repealed (1.4.1996) by 1994 c. 39, s. 180(2), Sch. 14; S.I. 1996/323, art. 4

*The National Health Service (Scotland) Act 1978 (c.29)*

- 24 —In section 100(1)—
- (a) in paragraph (a), for the words “1966” substitute the words “1987”;
  - (b) for paragraph (b) substitute the following paragraphs—
    - “(b) the Scottish Special Housing Association;
    - (c) a Housing Association or Housing Trust within the meaning of the Housing Associations Act 1985.”;
  - (c) in paragraph (c), for the word “(c)” substitute the word “(d)”.

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*The Local Government, Planning and Land Act 1980 (c.65)*

- 25 (1) In section 152(1)(c), for the words “1 of the Homes Insulation Act 1978” substitute the words “ 252 of the Housing (Scotland) Act 1987 ”;
- (2) In section 153(1)(a), for the words “Housing (Scotland) Acts 1966 to 1978 and the Tenants’ Rights, Etc (Scotland) Act 1980” substitute the words “ Housing Associations Act 1985 and the Housing (Scotland) Act 1987 ”;
- (3) In section 156(4), for the words “Parts I, II and III of the Tenants’ Rights, Etc. (Scotland) Act 1980” substitute the words “ Part III of the Housing (Scotland) Act 1987 ”.

*The Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c.59)*

- 26 —In section 13(11), for the words “the Tenants’ Rights, Etc (Scotland) Act 1980” substitute the words “ Part III of the Housing (Scotland) Act 1987 ”.

*The Local Government and Planning (Scotland) Act 1982 (c.43)*

- 27 —In section 24(2), for the words “32(1)(b) of the Housing (Financial Provisions) (Scotland) Act 1972” substitute the words “ 211(1)(b) of the Housing (Scotland) Act 1987 ”.

*The Civic Government (Scotland) Act 1982 (c.45)*

- 28 (1) In section 87(5), for the words “Part II of the Housing (Scotland) Act 1969” and “24(1) of the Housing (Scotland) Act 1969” substitute the words “ Part V of the Housing (Scotland) Act 1987 ” and “ 108 of that Act ” respectively.
- (2) In section 108(2), for the words “2 to the Housing (Scotland) Act 1969” substitute the words “ 9 to the Housing (Scotland) Act 1987 ”.

*The Rent (Scotland) Act 1984 (c.58)*

- 29 (1) In section 5(5), for the words “5 of the Housing Rents and Subsidies (Scotland) Act 1975” substitute the words “ 22 of the Housing (Scotland) Act 1987 ”.
- (2) In section 6(8), for the words “208(1) of the Housing (Scotland) Act 1966” substitute the words “ 338 of the Housing (Scotland) Act 1987 ”.
- (3) In section 59, for the words “Subsections (1), (2) and (4) of section 62 of the Housing (Scotland) Act 1969” substitute the words “ Sections 212 and 213 of the Housing (Scotland) Act 1987 ”; and the words from “except that” to the end shall cease to have effect.
- (4) In section 63(4)—
- (a) in paragraph (f), for the words “5 of the Housing Rents and Subsidies (Scotland) Act 1975” substitute the words “ 22 of the Housing (Scotland) Act 1987 ”;
- (b) in paragraph (g), the words from “or any” to the end shall cease to have effect.
- (5) In section 66(1), for the words “23 of the Housing (Financial Provisions) (Scotland) Act 1972” substitute the words “ 203 of the Housing (Scotland) Act 1987 ”.

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- (6) In section 101(2) and (3), for the words “4 to the Tenants’ Rights, Etc (Scotland) Act 1980” substitute the words “ 5 to the Housing (Scotland) Act 1987 ”.
- (7) In section 106—
- (a) in subsection (1), after the words “1974” insert the words “ or Part XIII of the Housing (Scotland) Act 1987 ”;
  - (b) in subsection (2), after the words “1974” insert the words “ or section 241(2) of the Act of 1987 ”.
  - (c) in subsection (5), for the words “39(1) of the said Act of 1968” and “2 of the Housing (Scotland) Act 1969” substitute the words “ 86 of the Act of 1987 ” and “ 240 of that Act ” respectively.
- (8) In Schedule 2, Part IV—
- (a) in paragraph 4, for the words “89” and “ 1966 ” substitute the words “ 135 ” and “ 1987 ” respectively;
  - (b) in paragraph 6, for the words “VII” and “1966” substitute the words “ I ” and “ 1987 ”.

*The Housing Act 1985 (c.68)*

30 <sup>F51</sup>(1) .....

- (2) In section 187, in the definition of “long tenancy”, paragraph (b) shall cease to have effect.
- (3) In section 458, in the definition of “the corresponding Scottish provisions” for the words from “the Home” to the end substitute the words “ sections 222 to 228 of the Housing (Scotland) Act 1987 ”.
- (4) In Schedule 4, in paragraph 7(2)—
- (a) in the definition of “housing association”, for the words “paragraph (e) of section 10(2) of the Tenants’ Rights, Etc. (Scotland) Act 1980” and “11” substitute the words “ section 61(2)(a)(vi) of the Housing (Scotland) Act 1987 ” and “ 45 ” respectively;
  - (b) in the definition of “housing co-operative”, for the words “5 of the Housing Rents and Subsidies (Scotland) Act 1975” substitute the words “ 22 of the said Act of 1987 ”.

**Textual Amendments**

**F51** Sch. 23 para. 30(1) repealed (20.1.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. VIII; S.I. 1996/2959, art. 2

*The Housing Associations Act 1985 (c.69)*

- 31 (1) In section 8(1), for the words “Part I of the Tenants’ Rights, Etc. (Scotland) Act 1980” substitute the words “ Part III of the Housing (Scotland) Act 1987 ”.
- (2) In section 10(2)(b), for the words “paragraphs 2 to 7 of Schedule 1 to the Tenants’ Rights, Etc. (Scotland) Act 1980” substitute the words “ paragraphs 1 to 8 of Schedule 2 to the Housing (Scotland) Act 1987 ”.

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- (3) In section 39, in the definition of “secure tenancy” for the words “10 of the Tenants’ Rights, Etc. (Scotland) Act 1980” substitute the words “44 of the Housing (Scotland) Act 1987”.
- (4) In section 44(1)(b), for the words “1 of the Tenants’ Rights, Etc. (Scotland) Act 1980” substitute the words “65 of the Housing (Scotland) Act 1987”.
- (5) In section 45—
- (a) in subsection (2)(b), for the words “(11)(e) of section 1 of the Tenants’ Rights, Etc. (Scotland) Act 1980” substitute the words “(4)(d) and (e) of section 61 of the Housing (Scotland) Act 1987”;
- (b) in subsection (5), for the words “6 of the Tenants’ Rights, Etc. (Scotland) Act 1980” substitute the words “72 of the Housing (Scotland) Act 1987”.
- (6) In section 52(1)(f), for the words “6 of the Tenants’ Rights, Etc. (Scotland) Act 1980” substitute the words “72 of the Housing (Scotland) Act 1987”.
- (7) In section 59, at the end add the following subsection—
- “(5) Sections 6, 15, 320 and 329 of the Housing (Scotland) Act 1987 (general provisions with respect to housing functions of local authorities etc.) apply in relation to this section and section 61, as they apply in relation to the provisions of that Act.”
- (8) In section 69A(b), for the words “5 of the Housing Rents and Subsidies (Scotland) Act 1975” substitute the words “22 of the Housing (Scotland) Act 1987”.
- (9) In section 88(5), for the words “175(2) of the Housing (Scotland) Act 1966” substitute the words “23 of the Housing (Scotland) Act 1987”.

*Airports Act 1986 (c.31)*

- 32 —In Schedule 2, paragraph 4, for the words “56” and “1966” substitute the words “125” and “1987”.

SCHEDULE 24

Section 339.

REPEALS

Chapter	Short title	Extent of repeal
4&5 Geo.5 c.31.	The Housing Act 1914.	The whole Act.
14 Geo.6 c.34.	The Housing (Scotland) Act 1950.	The whole Act.
2&3 Eliz.2 c.50.	The Housing (Repairs and Rents) (Scotland) Act 1954.	The whole Act.
7&8 Eliz.2 c.33.	The House Purchase and Housing Act 1959.	The whole Act.
10&11 Eliz.2 c.28.	The Housing (Scotland) Act 1962.	The whole Act.

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1964 c.56.	The Housing Act 1964.	Section 101.
1966 c.49.	The Housing (Scotland) Act 1966.	The whole Act.
1967 c.20.	The Housing (Financial Provisions, Etc.) (Scotland) Act 1967.	The whole Act.
1968 c.16.	The New Towns (Scotland) Act 1968.	Section 6(6).
1968 c.31.	The Housing (Financial Provisions) (Scotland) Act 1968.	The whole Act, except sections 20, 67 and 71.
1969 c.34.	The Housing (Scotland) Act 1969.	The whole Act.
1970 c.44.	The Chronically Sick and Disabled Persons Act 1970.	Section 3(1), (2).
1971 c.76.	The Housing Act 1971.	The whole Act.
1972 c.46.	The Housing (Financial Provisions) (Scotland) Act 1972.	The whole Act, except sections 69, 78 and 81 and in Schedule 9, paragraph 31.
1973 c.5.	The Housing (Amendment) Act 1973.	The whole Act.
1973 c.65.	The Local Government (Scotland) Act 1973.	Section 131(2), in Schedule 9, paragraph 73, in Schedule 12 paragraphs 1, 2, 5, 6 to 19 and 21 to 24.
1974 c.44.	The Housing Act 1974.	The whole Act, except sections 11, 18(2)-(6), 129, 130 and 131, Schedule 3 Part III, and Schedule 13 paragraphs 42 to 46.
1974 c.45.	The Housing (Scotland) Act 1974.	The whole Act.
1975 c.21.	The Criminal Procedure (Scotland) Act 1975.	In Schedules 7C and 7D, the entries relating to the Housing (Scotland) Act 1966.
1975 c.28.	The Housing Rents and Subsidies (Scotland) Act 1975.	The whole Act, except paragraphs 9 and 10 of Schedule 3.
1975 c.30.	The Local Government (Scotland) Act 1975.	In Schedule 3, paragraph 27; in paragraph 31 in the definition of “security” the words from “a local bond” to “enactment or”.

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1977 c.48.	The Housing (Homeless Persons) Act 1977.	The whole Act.
1978 c.14.	The Housing (Financial Provisions (Scotland) Act 1978.	The whole Act, except paragraphs 12 to 14 and 39 of Schedule 2.
1978 c.27.	The Home Purchase Assistance and Housing Corporation Guarantee Act 1978.	The whole Act.
1978 c.48.	The Homes Insulation Act 1978.	The whole Act.
1979 c.33.	The Land Registration (Scotland) Act 1979.	In Schedule 2, paragraphs 5 and 6.
1980 c.51.	The Housing Act 1980.	The whole Act.
1980 c.52.	The Tenants' Rights, Etc (Scotland) Act 1980.	Parts I to III and Part V except section 74; Part VI except section 86; Schedules A1 and 1 to 4.
1980 c.61.	The Tenants' Rights, Etc. (Scotland) Amendment Act 1980.	The whole Act.
1981 c.23.	The Local Government (Miscellaneous Provisions) (Scotland) Act 1981.	Sections 21 to 23, 34 and 35; in Schedule 2, paragraphs 11, 15, 35 and 36; in Schedule 3, paragraphs 8, 9, 10, 29 to 31 and 40 to 46.
1981 c.72.	The Housing (Amendment) (Scotland) Act 1981.	The whole Act.
1982 c.43.	The Local Government and Planning (Scotland) Act 1982.	Sections 51 to 55; in Schedule 3 paragraphs 29 to 33 and 39 to 40.
1982 c.45.	The Civic Government (Scotland) Act 1982.	In Schedule 3, paragraph 4.
1984 c.12.	The Telecommunications Act 1984.	In Schedule 4, paragraph 45.
1984 c.18.	The Tenants' Rights, Etc. (Scotland) Amendment Act 1984.	The whole Act.
1984 c.31.	Rating and Valuation Amendment (Scotland) Act 1984.	Section 8.
1984 c.50.	The Housing Defects Act 1984.	The whole Act.

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1984 c.58.	The Rent (Scotland) Act 1984.	In section [ <sup>F52</sup> 5(2)(d)] and in section 63(4)(g), the words “or any authorised society within the meaning of the Housing Act 1914”; in section 59, the words from “except that” to the end.
1985 c.68.	The Housing Act 1985.	In section 187, in the definition of “long tenancy”, paragraph (b).
1985 c.71.	The Housing (Consequential Provisions) Act 1985.	In Schedule 2, paragraphs 10, 16, 17, 37, 39, 40, 42 and 45.
1986 c.65.	The Housing (Scotland) Act 1986.	Sections 1 to 12 and 18 and 21, Schedule 1, Schedule 2, paragraph 2.
1986 c.63.	The Housing and Planning Act 1986.	Section 3; in Schedule 5, paragraphs 14 and 17.
1986 c.53.	The Building Societies Act 1986.	In Schedule 18, paragraph 12.

#### Textual Amendments

**F52** “5(2)(d)” substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(1), [Sch. 7 para. 30](#)

#### TABLE OF DERIVATIONS

1 The following abbreviations are used in this Table:

#### ACTS OF PARLIAMENT

1897	= The Public Health (Scotland) Act 1897 c. 38.
1914	= The Housing Act 1914 c. 31.
1950	= The Housing (Scotland) Act 1950 c. 34.
1954	= The Housing (Repairs and Rents) (Scotland) Act 1954 c. 50.
1959	= The House Purchase and Housing Act 1959 c. 33.
1962	= The Housing (Scotland) Act 1962 c. 28.
1964	= The Housing Act 1964 c. 56.
1966	= The Housing (Scotland) Act 1966 c. 49.



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1967	= The Housing (Financial Provisions, Etc.) (Scotland) Act 1967 c. 20.
1968	= The Housing (Financial Provisions) (Scotland) Act 1968 c. 31.
1969	= The Housing (Scotland) Act 1969 c. 34.
1970	= The Housing (Amendment) (Scotland) Act 1970 c. 5.
1971 (c. 28)	= The Rent (Scotland) Act 1971 c. 28.
1971 (c. 58)	= The Sheriff Courts (Scotland) Act 1971 c. 58.
1971	= The Housing Act 1971 c. 76.
1972	= The Housing (Financial Provisions) (Scotland) Act 1972 c. 46.
1972 (c. 52)	= The Town and Country Planning (Scotland) Act 1972 c. 52.
1973	= The Housing (Amendment) Act 1973 c. 5.
1973 (c. 56)	= The Land Compensation (Scotland) Act 1973 c. 56.
1973 (c. 65)	= The Local Government (Scotland) Act 1973 c. 65.
1974 (c. 39)	= The Consumer Credit Act 1974 c. 39.
1974 (c. 44)	= The Housing Act 1974 c. 44.
1974	= The Housing (Scotland) Act 1974 c. 45.
1975 (c. 21)	= The Criminal Procedure (Scotland) Act 1975 c. 21.
1975	= The Housing Rents and Subsidies (Scotland) Act 1975 c. 28.
1977	= The Housing (Homeless Persons) Act 1977 c. 48.
1978	= The Housing (Financial Provisions) (Scotland) Act 1978 c. 14.
1978 (c. 27)	= The Home Purchase Assistance and Housing Corporation Guarantee Act 1978 c. 27.
1978 (c. 48)	= The Homes Insulation Act 1978 c. 48.
1980 (c. 51)	= The Housing Act 1980 c. 51.
1980	= The Tenants' Rights, Etc. (Scotland) Act 1980 c. 52.

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1980 (c. 61)	= The Tenants' Rights, Etc. (Scotland) Amendment Act 1980 c. 61.
1981 (c.23)	= The Local Government (Miscellaneous Provisions) (Scotland) Act 1981 c. 23.
1981	= The Housing (Amendment) (Scotland) Act 1981 c. 72.
1982 (c. 24)	= The Social Security and Housing Benefits Act 1982 c. 24.
1982	= The Local Government and Planning (Scotland) Act 1982 c. 43.
1982 (c. 45)	= The Civic Government (Scotland) Act 1982 c. 45.
1982 (c. 48)	= The Criminal Justice Act 1982 c. 48.
1984 (c. 12)	= The Telecommunications Act 1984 c. 12.
1984 (c. 18)	= The Tenants' Rights, Etc. (Scotland) Amendment Act 1984 c. 18.
1984 (c. 31)	= The Rating and Valuation Amendment (Scotland) Act 1984 c. 31.
1984	= The Housing Defects Act 1984 c. 50.
1984 (c. 58)	= The Rent (Scotland) Act 1984 c. 58.
1985 (c. 69)	= The Housing Associations Act 1985 c. 69.
1985	= The Housing (Consequential Provisions) Act 1985 c. 71.
1986 (c. 53)	= The Building Societies Act 1986 c. 53.
1986 (c. 63)	= The Housing and Planning Act 1986 c. 63.
1986	= The Housing (Scotland) Act 1986 c. 65.

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*SUBORDINATE LEGISLATION*

S.I. 1983/271	= The Housing (Improvement of Amenities of Residential Areas) (Scotland) Order 1983.
S.I. 1983/492	= The Housing (Standard Amenities Approved Expense) (Scotland) Order 1983.

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S.I. 1983/493	= The Housing (Improvement or Repair Grants) (Approved Expenses Maxima) (Scotland) Regulations 1983.
S.I. 1983/1804	= The Housing (Payments for Well-maintained Houses) (Scotland) Order 1983.

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- 2 The Table does not show the effect of Transfer of Functions Orders.
- 3 The letter R followed by a number indicates that the provision gives effect to the Recommendation bearing that number in the Scottish Law Commission’s Report on the Consolidation of the Housing Acts for Scotland (Cmnd. 104).
- 4 The entry “drafting” indicates a provision of a mechanical or editorial nature affecting the arrangement of the consolidation; for instance a provision introducing a Schedule.

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1(1)	1966 s. 137; 1974 s. 50(1), Sch. 3 para. 9; 1974 s. 27(3)
(2)	1966 s. 137; 1969 s. 69(2), Sch. 6 para. 18; 1974 s. 50(1), Sch. 3 para. 9
(3)	1966 s. 137; 1969 s. 69(2), (3), Sch. 6 para. 18, Sch. 7, 5
(4)	1970 (c.44) ss. 3(1), (2)
2(1)	1966 s. 138
(2)	1966 s. 138(1)
(3)	1966 s. 138(2)
(4)	1966 s. 138(3); 1978 s. 16(1), Sch. 2 Pt. I para. 1
(5)	1966 s. 138(4); 1978 s. 16(1), Sch. 2 Pt. I para. 1
3(1)-(3)	1966 s. 139(1)
(4)	1966 s. 139(2)
4(1)	1966 s. 140(1)
(2)	1966 s. 140(2); 1974 (c.39) s. 192 Sch. 4 Pt. I para. 27
5(1)	1966 s. 141(1)
(2)	1966 s. 141(2)
(3)	1966 s. 141(3); 1976 (c.66) Sch. 8
6(1)	1966 s. 177(1); 1980 Sch. 5; 1981 (c.23) s. 40 Sch. 3 para. 10; R.1
(2)	1966 s. 177(2); 1980 Sch. 5
7	1966 s. 147

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8	1966 s. 148
9(1)	1966 s. 142
(2)	1966 s. 142 proviso
10(1)	1966 s. 143(1); 1974 s. 50(1), Sch. 3 para. 10, Sch. 5
(2)	1966 s. 143(2)
(3)	1966 s. 143(3)
(4)	1966 s. 143(4)
11	1966 s. 144
12(1)	1966 s. 145(1); 1978 s. 16(1), Sch. 2 Pt. I para. 2(a); 1980 ss. 8(3)(a), 8(4)
(2)	1966 s. 145(2)
(3)	1966 s. 145(3)
(4)	1966 s. 145(4)
(5)	1966 s. 145(5); 1980 Sch. 5
(6)	1966 s. 145(8)
(7)	1966 s. 145(6); 1972 s. 79(1), Sch. 9 para. 7; 1978 s. 16(1), Sch. 2 Pt. I para. 2
(8)	1966 s. 145(6A), 1973 (c.65) s. 237(2); 1980 ss. 8(3)(c), 8(4)
(9)	1966 s. 145(7); 1980 s. 76(b)
(10)	1966 s. 145(7) proviso; 1980 s. 76(b)
(11)	1945 s. 145(9)
13	1966 s. 146; 1972 s. 79(1), Sch. 9 para. 8
14(1)	1980 s. 8(1); 1986 Sch. 1 para. 9
(2)	1980 s. 8(1), (2)
15(1)	1966 s. 178; R.1
(2)	1966 s. 178 proviso
16	1966 s. 179
17(1)	1966 s. 149(1); 1972 Sch. 11, Pt. V; R.2
(2)	1966 s. 149(2)
18	1966 s. 150(1); R.2
19(1)	1980 s. 26(1); 1986 Sch. 1 para. 13
(2)	1980 s. 26(2); 1986 Sch. 1 para. 13.
(3)	1980 s. 26(3); 1986 Sch. 1 para. 13

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(4)	1980 s. 26(4)
20(1)	1966 s. 151(1), (2); 1969 s. 69(2), Sch. 6 para. 19; 1977 s. 6(2)
(2)	1980 s. 26A; 1986 Sch. 1 para. 13; R.2
21(1)	1980 s. 27(1); 1981 Sch. 3 para. 45
(2)	1980 s. 27(1A); 1986 s.8
(3)	1980 s. 27(1B); 1986 s. 8
(4)	1980 s. 27(2); 1981 (c. 23) Sch. 3 para. 45
(5)	1980 s. 27(2A); 1981 (c. 23) Sch. 3 para. 45
(6)	1980 s. 27(3); 1981 (c.23) Sch. 3 para. 45
22(1)	1975 s. 5(1)
(2)	1975 s. 5(2); 1980 s. 81(a)
(3)	1975 s. 5(3); 1980 s. 81(b)
(4)	1975 s. 5(4); 1985 Sch. 2 para. 27
(5)	1975 s. 5(5)
23(1)	1966 s. 175(1); 1972 Sch. 9 para. 10
(2)	1966 s. 175(2); 1974 (c. 44) Sch. 13 para. 14; 1985 Sch. 2 para. 10(2)
(3)	1966 s. 175(3); 1974 (c. 44) Sch. 13 para. 14
(4)	1966 s. 175(4)
(5)	1966 s. 175(5)
(6)	1969 s. 59A; 1974 s. 50(1) Sch. 3 para. 32; 1978 s. 16(2) Sch. 3
Part II	
24(1)	1977 s. 1(1); 1985 Sch. 2 para. 37
(2)	1977 s. 1(1)
(3)	1977 s. 1(2); 1986 s. 21(2)
(4)	1977 s. 1(3)
25(1)	1977 s. 2(1)(2)
(2)	1977 s. 2(3)
(3)	1977 s. 2(3), 19(1)
(4)	1977 s. 2(4)
26	1977 s. 17(1)-(4)

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27(1)-(3)	1977 s. 18(1)-(3)
(4)	1975 s. 15
28(1)	1977 s. 3(1), (2)
(2)	1977 s. 3(2), (3)
29	1977 s. 3(4)
30(1)-(4)	1977 s. 8(1)-(4)
(5)	1977 s. 8(8), (9); R.3
31(1)	1977 s. 4(1)
(2)	1977 s. 4(5)
(3)	1977 s. 4(2), (3)
(4)	1977 s. 4(2)
32(1)	1977 s. 4(1)
(2)	1977 s. 4(4)
(3)	1977 s. 4(2)
(4)	1977 s. 4(6)
(5)	1977 s. 4(7); 1986 s. 21(3)
33(1)	1977 s. 5(1); 1985 Sch. 2 para. 37
(2)	1977 s. 5(1)
(3)	1977 s. 5(11)
(4)	1977 s. 5(7), (8)
(5)	1977 s. 5(9)
(6)	1977 s. 5(10)
34(1)	1977 s. 5(6)
(2)	1977 s. 5(3), (4), (5)
(3)	1977 s. 8(5)
(4)	1977 s. 8(8), (9); R.3
35(1)	1977 s. 6(1)
(2)	1977 s. 10
36(1)	1977 s. 7(1), (2)
(2)	1977 s. 7(1), (3)
(3)	1977 s. 7(4), (5)
(4)	1977 s. 7(6), (7)
(5)	1977 s. 7(8), (9), (10)
(6)	1977 s. 8(6), (7)
(7)	1977 s. 8(10), (11)

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(8)	1977 s. 7(1), (3) drafting
37	1977 s. 12
38	1977 s. 9(1)
39(1)	1977 s. 13(1)
(2)	1977 s. 13(2), (3)
(3)	1977 s. 13(4)
(4)	1977 s. 13(7)
(5)	1977 s. 13(5), (6)
40(1)	1977 s. 11(1)
(2)	1977 s. 11(2), (3)
(3)	1977 s. 11(4)
(4)	1977 s. 11(5); 1975 (c. 21) s. 289F, s. 289G, 457A
41	1977 s. 16
42	1977 s. 18A; 1985 Sch. 2 para. 37
43	1977 s. 19(1); 1985 Sch. 2 para. 37
Part III	
44(1)	1980 s. 10(1), (2)
(2)	1980 s. 10(3)
(3)	1980 s. 10(4)(a)
(4)	1980 s.10(4)(b); 1984 (c.18) s. 5; 1986 Sch. 1 para. 10
(5)	1980 s. 10(5)
(6)	1980 s. 10(6)
45	1980 s. 11(1)-(5); 1985 Sch. 2 para. 45(4); R.4
46(1)	1980 s. 12(1)
(2)	1980 s. 12(2)
47(1)	1980 s. 14(1)
(2)	1980 s. 14(2); 1981 (c. 23) Sch. 3 para. 43
(3)	1980 s. 14(3)
(4)	1980 s. 14(4)
48(1)	1980 s. 15(1); 1981 Sch. 3 para. 44; 1986 Sch. 1 para. 12(a)
(2)	1980 s. 15(2); 1986 Sch. 1 para. 12(b)
(3)	1980 s. 15(3); 1986 Sch. 1 para. 12(c)

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(4)	1980 s. 15(4)
(5)	1980 s. 15(5); 1984 s. 6
49(1)	1980 s. 18(1)
(2)	1980 s. 18(2)
(3)	1980 s. 18(3)
(4)	1980 s. 18(4)
50(1)	1980 s. 19(1)
(2)	1980 s. 19(2)
(3)	1980 s. 19(3)
(4)	1980 s. 19(4)
51(1)	1980 s. 20(1)
(2)	1980 s. 20(2)
(3)	1980 s. 20(3)
52(1)	1980 s. 13(1)
(2)	1980 s. 13(2); 1986 Sch. 1 para. 11
(3)	1980 s. 13(3)
(4)	1980 s. 13(4)
(5)	1980 s. 13(5)
(6)	1980 s. 13(6)
(7)	1980 s. 13(7)
53(1)	1980 s. 16(1)
(2)	1980 s. 16(3)
(3)	1980 s. 16(6)
54(1)	1980 s. 17(1)
(2)	1980 s. 17(2); 1984 (c. 58) s. 117(1) Sch. 8
(3)	1980 s. 17(3)
(4)	1980 s. 17(4)
(5)	1980 s. 17(5)
(6)	1980 s. 17(6)
55(1)	1980 s. 21(1)
(2)	1980 s. 21(2)
(3)	1980 s. 21(3)
(4)	1980 s. 21(4); 1984 (c. 58) s. 117(1) Sch. 8
(5)	1980 s. 21(6)



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(6)	1980 s. 21(7)
56	1980 s. 22(1), (2)
57	1980 s. 23(1)-(3)
58	1980 s. 24(1)-(3)
59	1980 s. 25
60	1980 s. 17A(1)-(4); 1984 s. 7
61(1)	1980 s. 1(1); 1982 c. 43 Sch. 4
(2)	1980 s. 1(3), 10(2), (11), (12); 1986 s. 1(2) Sch. 1, para. 1(h) (iii) and (iv)
(3)	1980 s. 9A; 1984 s. 20
(4)	1980 s. 1(11); 1986 Sch. 1, para. 1(f)
(5)	1980 s. 1(2)
(6)	1980 s. 1(4); 1986 Sch. 1, para. 1(b)
(7)	1986 Sch. 1, para. 1(g)
(8)	1980 s. 1(11B); 1986 Sch. 1, para. 1(g)
(9)	1980 s. 1(11C); 1986 Sch. 1, para. 1(g)
(10)	1980 s. 1(12); 1984 ss. 1, 2; 1986 Sch. 1, para. 1(h)
(11)	1980 s. 1(10); 1984 (c. 18) s. 2, 8; 1984 (c. 36) Sch. 3, para. 47; 1986 Sch. 1, para. 1(e)
62(1)	1980 s. 1(5); 1986 Sch. 1, para. 1(c)
(2)	1980 s. 1(5), (6)
(3)	1980 ss. 1(5), 9A; 1984 s. 1; 1984 c. 50, s. 20; 1986 s. 2(1)(a) to (c); Sch. 1, para. 1(c); 1986 (c. 63) s. 3
(4)	1980 s. 1(5A); 1986 Sch. 1, para. 1(d); 1986 s. 2(1)(d)
(5)	1980 s. 1(5B); 1986 (c. 63) s. 3
(6)	1980 s. 1(5C); 1986 (c. 63) s. 3
(7)	1980 s. 1(7); 1986 s. 3
(8)	1980 s. 1(7A); 1986 s. 3
(9)	1980 s. 1(8); 1986 s. 3(2)
(10)	1980 s. 1(9)
(11)	1986 s. 3(4)
(12)	1986 s. 3(4)
(13)	1986 s. 3(5)

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63(1)	1980 s. 2(1)
(2)	1980 s. 2(2); 1984 (c. 18) s. 4(2), 8(1)
64(1)	1980 s. 4(1); 1982 s. 53(2)(a)
(2)	1980 s. 4(2)
(3)	1980 s. 4(3); 1982 s. 53(2)(b), Sch. 4
(4)	1980 s. 4(4); 1980 (c. 61) s. 2(a)
(5)	1980 s. 4(5)
(6)	1980 s. 4(6)
(7)	1980 s. 4(7); 1986 Sch. 1 para. 5(a)
(8)	1980 s. 4(7A); 1986 Sch. 1 para. 5(b)
(9)	1980 s. 4(8); 1980 (c. 61) s. 2(a)
65(1)	1980 s. 2(3)
(2)	1980 s. 2(4)
(3)	1980 s. 2(5)
66(1)	1980 s. 2(6); 1982 Sch. 3 para. 39; 1986 Sch. 1 para. 4
(2)	1980 s. 2(7)
67(1)	1980 s. 2(8), (11); 1981 (c. 23) Sch. 3 para. 40; 1982 Sch. 3 para. 39; 1984 s. 3, 4(2)
(2)	1980 s. 2(9)
(3)	1980 s. 2(11)
68	1980 s. 3(1)-(4)
69(1)	1980 s. 3A(1), (7); 1980 c. 61 s. 1(2)
(2)-(6)	1980 s. 3A(2)-(6)
70	1980 s. 3B(1)-(2); 1984 (c. 18) s. 4
71(1)	1980 s. 7(2); 1982 s. 55; Sch. 3 para. 40
(2)	1980 s. 7(3); 1982 s. 55(1)(b)
(3)	1980 s. 7(4)
72(1)-(3)	1980 s. 6(1)-(3); 1986 Sch. 1 para. 7
(4)	1981 Sch. 3 para. 42
(5)	1980 s. 6(5); 1982 s. 54
(6)	1980 s. 6(5); 1986 Sch. 1 para. 7 (c)
(7)	1980 s. 6; 1986 Sch. 1 para. 7(d)
73	1980 s. 6A; 1986 Sch. 1 para. (8)
74	1980 s. 7(1)

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75	1980 s. 1(1A); 1982 s. 53(1); 1986 Sch. 1 para. 1(a)
76	1980 s. 1B; 1986 Sch. 1 para. 3
77(1)	1980 s. 1A; 1981 (c. 23) s. 35(1)
(2)	1980 s. 1A(2); 1981 (c. 23) s. 35(2); 1986 Sch. 1, para. 2
(3)	1980 s. 1A(3); 1981 (c. 23) s. 35(3)
(4)	1980 s. 1A(4); 1981 (c. 23) s. 35(4)
(5)	1980 s. 1A(5); 1981 (c. 23) s. 35(5)
(6)	1980 s. 1A(6); 1981 (c. 23) s. 35(6)
(7)	1980 s. 1A(7); 1981 (c. 23) s. 35(7)
78	1980 s. 4A; 1986 s. 4
79	1980 s. 9B; 1986 s. 5
80	1980 s. 25A; 1986 s. 7
81	1980 s. 9C; 1986 s. 6
82	1980 s. 82; 1980 (c. 61) s. 2(f); 1982 Sch. 3 para. 39(b); 1986 Sch. 1 para. 16
83	1980 s. 82A; 1986 Sch. 1 para. 17
84	1980 s. 83
Part IV	
85	1974 s. 13(1)-(3)
86	1974 s. 14(1)-(3)
87(1)	1966 s. 180(1), (2); 1969 Sch. 6 para. 23; 1973 (c. 65) Sch. 27 Part I para. 2
(2)	1966 s. 180(5)
(3)	1966 s. 180(6)
88(1)	1974 s. 14A(1); 1978 s. 10
(2)	1974 s. 14A(1A); 1980 s. 71
(3)	1974 s. 14A(3); 1978 s. 10
(4)	1974 s. 14A(4); 1978 s. 10
(5)	1974 s. 14A(5); 1978 s. 10
(6)	1974 s. 14A(6); 1978 s. 10
(7)	1974 s. 14A(7); 1978 s. 10
(8)	1974 s. 14A(8); 1978 s. 10
89(1)	1974 s. 15(1)
(2)	1974 s. 15(2); 1978 Sch. 2 para. 22

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(3)	1974 s. 15(3); 1978 Sch. 2 para 22
90(1)	1974 s. 16(1)
(2)	1974 s. 16(2)
(3)	1974 s. 16(3)
(4)	1974 s. 16(4); 1978 Sch. 2 para. 23
91(1)	1974 s. 17(1)
(2)	1974 s. 17(2)
(3)	1974 s. 17(3)
(4)	1974 s. 17(4); 1978 Sch. 2 para. 24(a)
(5)	1975 s. 17(5); 1978 Sch. 2 para. 24(b)
92	1974 s. 18(1)–(4)
93	1974 (c. 44) s. 116A; 1975 Sch. 3 para. 16
94	1974 s. 19(1)–(7)
95(1)	1974 ss. 20, 21
(2)	1974 ss. 22, 23, 26, 28, 31–34, 36A
(3)	1974 s. 29
(4)	1974 s. 25; 1966 s. 80, 87
96	1974 s. 27(1)–(3)
97(1)	1974 s. 35(1)
(2)	1974 s. 35(2)
(3)	1974 s. 35(3)
(4)	1974 s. 35(4); 1975 (c. 21) s. 289E, 289G; 1982 (c. 48) s. 54
(5)	1974 s. 35(5)
(6)	1974 s. 35(6)
(7)	1974 s. 35(7)
98	1974 s. 36
99	1974 s. 37(1)–(3)
100	1974 s. 38(1), (2)
101	1974 s. 39(1), (2)
102	1974 s. 40; 1984 (c. 58) Sch. 8 Pt. II
103	1974 s. 41
104	1974 s. 42
105(1)	1974 s. 43(1); 1978 Sch. 2 para. 43
(2)	1974 s. 43(2)

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(3)	1974 s. 43(3)
106	1974 s. 44(1); 1978 Sch. 2 para. 26
107	1974 s. 44A; 1978 Sch. 2 para. 27
Part V	
108(1)	1969 s. 24(1)
(2)	1969 s. 24(1); 1978 Sch. 2 para. 6(a) and (b)
(3)	1969 s. 24(2); 1978 Sch. 2 para. 6(c)
(4)	1969 s. 24(2)
(5)	1969 s. 24(2)
(6)	1969 s. 24(3)
(7)	1969 s. 24(4)
(8)	1969 s.24(6); 1978 Sch. 2 para. 6(d)
109(1)	1969 s. 25(1)
(2)	1969 s. 25(1A); 1978 Sch. 2 para. 7
(3)	1969 s. 25(2)
(4)	1969 s. 25(3); 1973 (c. 65) s. 121; 1981 (c. 23) Sch. 2 para. 15
(5)	1969 s. 25(4)
110(1)	1969 s. 26(1)
(2)	1969 s. 26(1)
(3)	1969 s. 26(2)
(4)	1969 s. 26(3)
111(1)	1969 s. 27(1)
(2)	1969 s. 27(2)
112	1969 s. 28
113	1966 ss. 6-11
Part VI	
114(1)–(2)	1966 s. 15(1); 1969 Sch. 6 para. 4(a); 1973 (c. 65) Sch. 27 para. 2(1)
(3)	1966 s. 17(1), (2); 1969 Sch. 6 para. 5
(4)	1966 s. 17(2); 1969 Sch. 6 para. 5; 1980 s. 84 Sch. 5
(5)	1966 s. 17(3); 1980 s. 84 Sch. 5
115	1966 s. 15(2); 1969 Sch. 6 para. 4(b) and (c); 1973 (c. 65) Sch. 27Pt. I, para. 2(1)

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116	1966 s. 15(3); 1969 Sch. 6 para. 4(d)
117(1)–(3)	1966 s. 15(4); 1969 Sch. 6 para. 4(d)
(4)	1966 s. 15(5)
(5)	1966 s. 15(6)
118(1)	1966 s. 15(7)
(2)	1966 s. 15(8)
119(1)	1966 s. 18(1); 1969 Sch. 6 para. 6(a); 1972 (c. 52) Sch. 21 Pt. II
(2)	1966 s. 18(2); 1969 Sch. 6 para. 6(b); 1972 (c. 52) Sch. 21 Pt. II
(3)	1966 s. 18(3)
120(1)	1966 s. 19(1); 1969 Sch. 6 para. 7(a)
(2)	1966 s. 19(1A); 1969 Sch. 6 para. 7(b)
(3)	1966 s. 19(2); 1969 Sch. 6 para. 7(c)
(4)	1966 s. 19(3); 1969 Sch. 6 para. 7(d)
(5)	1966 s. 19(4); 1969 Sch. 6 para. 7(d)
(6)	1966 s. 19(6); 1969 Sch. 6 para. 7(e); 1974 Sch. 3 para. 5
121(1)–(2)	1966 s. 20(1); 1969 Sch. 6 para. 8(a), Sch. 7
(3)	1966 s. 20(2); 1969 Sch. 7
(4)	1966 s. 20(3)
(5)	1966 s. 20(4); 1969 Sch. 6 para. 8(b)
(6)	1966 s. 20(5); 1969 Sch. 6 para. 8(c)
(7)	1966 s. 20(6); 1969 Sch. 6 para. 8(c)
(8)	1966 s. 20(8)
(9)	1966 s. 20(9)
122(1)–(2)	1966 s. 21; 1974 Sch. 3 para. 6; 1975 (c. 21) s. 289E; 1982 (c. 48) s. 54
123	1966 s. 22(1)–(3)
124(1)	1966 s. 23(1)
(2)	1966 s. 23(2)
(3)	1966 s. 23(3)
(4)	1966 s. 23(4); 1974 Sch. 3 para. 7
125(1)	1966 s. 56(1)
(2)	1966 s. 56(2)
(3)	1966 s. 56(3)

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(4)	1966 s. 56(4)
(5)	1966 s. 56(5); 1975 (c. 21) s. 289G; 1982 (c.48) s. 54
(6)	1966 s. 56(6)
(7)	1966 s. 56(7)
126(1)	1966 s. 57(1)
(2)	1966 s. 57(1)
(3)-(4)	1966 s. 57(1)
(5)	1966 s. 57(2)
(6)	1966 s. 57(3)
127(1)	1966 s. 181(1)
(2)-(3)	1966 s. 181(2)
(4)-(5)	1966 s. 181(3)
(6)	1966 s. 181(4); 1975 (c. 21) s. 289E; 1982 (c. 48) s. 54
128	1966 s. 182; 1969 Sch. 6 para. 24
129(1)	1966 s. 26(1), 57(4); 1969 Sch. 7
(2)	1966 s. 26(1)
(3)	1966 s. 26(4)
130	1966 s. 27; 1969 Sch. 7
131(1)-(2)	1966 s. 30; 1969 Sch. 6 para. 12
(3)	1966 s. 30(2); 1969 Sch. 7
132(1)	1966 s. 31(1)
(2)	1966 s. 31(2); 1969 Sch. 7
133	1966 s. 33(1), (2)
134	1984 (c. 12) Sch. 4 para. 45; 1986 (c. 44) Sch. 7 para. 2(7)
Part VII	
135	1966 s. 89(1); drafting
136(1)	1966 s. 89(1)(a)
(2)	1966 ss. 89(1)(a), 99
137(1)	1966 s. 89(1)(b)
(2)	1966 ss. 89(2), 99
(3)	1966 Sch. 5
(4)	1966 s. 94(4)
(5)	1966 s. 198

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(6)	1966 s. 94(5)
138(1)	1966 s. 91(1)
(2)	1966 s. 91(1)
(3)	1966 s. 91(1); 1980 Sch. 5
(4)	1966 s. 91(1)
(5)	1966 s. 91(1)
(6)	1966 s. 91(2); 1980 Sch. 5
(7)	1966 s. 91(3)
139(1)	1966 s. 90(1)
(2)	1966 ss. 90(2), (3), 92(5), and 93(3)
(3)	1966 s. 90(1); 1975 (c. 21) s. 289C,G; 1982 (c. 48) s. 54
140(1)	1966 s. 90(2)
(2)	1966 s. 90(2)(b)
141	1966 s. 90(3)
142(1)	1966 s. 92(1)
(2)	1966 s. 92(1)
(3)	1966 s. 92(2)
(4)	1966 s. 92(3)
(5)	1966 s. 92(3)
(6)	1966 s. 92(4)
143(1)	1966 s. 93(1)
(2)	1966 s. 93(1), (2)
144(1)	1966 s. 94(1)
(2)	1966 s. 94(1); 1975 (c. 21) s. 289C,G; 1982 (c. 48) s. 54
(3)	1966 s. 94(3)
145	1966 s. 95(1)
146(1)	1966 s. 88(1)
(2)	1966 s. 88(1)
(3)	1966 s. 88(1), (3)
(4)	1966 s. 88(1)
(5)	1966 s. 88(1)
(6)	1966 s. 88(2)
147(1)	1966 s. 96(2)



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(2)	1966 s. 96(2); 1975 (c. 21) s. 289C,G; 1982 (c. 48) s. 54
148(1)	1966 s. 94(2)
(2)	1966 s. 94(2)
149	1966 s. 97
150	1966 s. 96(1)
151	1966 s. 99
Part VIII	
152(1)	1966 s. 100(1)
(2)	1966 s. 100(2)
(3)	1966 s. 100(2); 1966 s. 100(3)
(4)	1966 s. 100(4)
(5)	1966 s. 100(5)
153	1966 s. 101(1)–(4); 1969 (c. 19) s. 10(1)
154	1966 s. 101(4)
155(1)	1966 s. 102(1)
(2)	1966 s. 102(2); 1975 (c. 21) s. 289 C, G; 1982 (c. 48) s. 54
156(1)	1966 s. 103(1)
(2)	1966 s. 103(2)
(3)	1966 s. 103(3)
(4)	1966 s. 103(4); 1975 (c. 21) s. 289 C, G; 1982 (c. 48) s. 54
(5)	1966 s. 103(5)
(6)	1966 s. 103(5)
157(1)	1966 s. 104(1)
(2)	1966 s. 104(2)
(3)	1966 s. 104(3)
(4)	1966 s. 104(3)
(5)	1966 s. 104(6)
158(1)	1966 s. 104(4)
(2)	1966 s. 104(5)
(3)	1966 s. 104(5)
(4)	1966 s. 104(6)
159(1)	1966 s. 104(7)

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(2)	1966 s. 104(7)
160(1)	1966 s. 105(1)
(2)	1966 s. 105(2)
(3)–(4)	1966 s. 105(3)
(5)	1966 s. 105(4)
161(1)	1966 s. 106(1)
(2)	1966 s. 106(2)
(3)	1966 s. 106(1), (3)
(4)	1966 s. 106(3)
(5)–(6)	1966 s. 106(5) and (1)
(7)	1966 s. 106(4)
(8)	1966 s. 106(6)
162(1)	1966 s. 107(1)
(2)	1966 s. 107(1); 1982 s. 52(2)
(3)	1966 s. 107(2); 1973 (c. 65.) Sch. 12 para. 8
(4)	1966 s. 107(3)
(5)	1966 s. 107(4)
(6)	1966 s. 107(5)
163(1)	1966 s. 108(1)
(2)	1966 s. 108(1)
(3)	1966 s. 108(2)
(4)	1966 s. 108(3)
(5)	1966 s. 108(4)
164(1)	1966 s. 109(1)
(2)	1966 s. 109(1)
(3)	1966 s. 109(2)
(4)	drafting, 1966 s. 109(3)–(6)
165(1)	1966 s. 110(1), (1A); 1975 (c. 21) s. 289C, G; 1982 (c. 48) s. 54
(2)	1966 s. 110(1)
(3)	1966 s. 110(2)
(4)	1966 s. 110(3)
(5)	1966 s. 110(4)
166(1)	1966 s. 111(1)
(2)	1966 s. 111(2)

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(3)	1966 s. 111(3)
(4)	1966 s. 111(4); 1980 s. 65(1)(e); S.I. 1980/1387
(5)	1966 s. 111(5); 1980 s. 65(1)(e); 1975 (c. 21) s. 289C, G; 1982 (c. 48) s. 54
167(1)	1966 s. 112(1)
(2)	1966 s. 112(2)
168	1966 s. 112(5); 1980 s. 65(1)(f); 1975 (c. 21) s. 289C, G; 1982 (c. 48) s. 54
169(1)	1966 s. 112(3)
(2)	1966 s. 112(3)
170	1966 s. 112(4)
171(1)	1966 s. 113(1)
(2)	1966 s. 113(1), proviso (i)
(3)	1966 s. 113(1), proviso (ii)
(4)	1966 s. 113(2)
(5)	1966 s. 113(3)
172(1)	1966 s. 114(1)
(2)	1966 s. 114(2)
(3)	1966 s. 114(3)
(4)	1966 s. 114(4); 1969 s. 5; Sch. 6 para. 15; R.5
173	1966 s. 115
174	1966 s. 116
175	1966 s. 117
176(1)–(2)	1966 s. 192(2)
(3)	1966 s. 192(3)
177	1966 s. 119
178	1966 s. 120(1)–(6)
179(1)	1966 s. 121(1)
(2)	1966 s. 121(2)
(3)	1966 s. 121(3)
(4)	1966 s. 121(4)
(5)	1966 s. 121(5)
180(1)	1966 s. 122(1)
(2)	1966 s. 122(2)

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(3)	1966 s. 122(3)
(4)	1966 s. 122(4); 1971 (c. 28) Sch. 18 Pt. II; 1984 (c. 58) Sch. 8 Pt. II
(5)	1966 s. 122(5)
(6)	1966 s. 122(6)
(7)	1966 s. 122(7)
181(1)	1966 s. 123(1)
(2)	1966 s. 123(2)
(3)	1966 s. 123(3); 1971 (c. 28) Sch. 18 Pt. II; 1984 c. 58 Sch. 8 Pt. II
(4)	1966 s. 123(4)
(5)	1966 s. 123(5)
(6)	1966 s. 123(6)
182(1)	1966 s. 124(1)
(2)	1966 s. 124(2)
(3)	1966 s. 124(3)
(4)	1966 s. 124(4)
(5)	1966 s. 124(5)
183(1)	1966 s. 125(1)
(2)	1966 s. 125(2)
(3)	1966 s. 125(3)
(4)	1966 s. 125(4)
(5)	1966 s. 125(5)
(6)	1966 s. 125(6); 1981 (c. 23) s. 40 Sch. 3 para. 8
184(1)	1966 s. 126(1)
(2)	Drafting
(3)	1966 s. 126(6)
185(1)	1966 s. 128(1)
(2)	1966 s. 128(2)
(3)	1966 s. 128(3)
186(1)	1966 s. 129(1)
(2)	1966 s. 129(2)
(3)	1966 s. 129(3)
(4)	1966 s. 129(4)
(5)	1966 s. 129(5)

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(6)	1966 s. 129(6)
187(1)	1966 s. 130(1)
(2)	1966 s. 130(2)
(3)	Drafting
188(1)	1966 s. 133(1)
(2)	1966 s. 133(2)
(3)	1966 s. 133(3)
(4)	1966 s. 133(4)
(5)	1966 s. 133(10)
189	Drafting
190	1966 s. 136(1)–(4)
Part IX	
191(1)	1978 s. 1(1)
(2)	1978 s. 1(2); 1981 (c. 23) s. 21(1)(a)(ii), (2)
(3)	1978 s. 1(3)
(4)	1978 s. 1(4)
(5)	1978 s. 1 (4A); 1981 (c. 23) s. 21(1)(b)
(6)	1978 s. 1(4B); 1981 (c. 23) s. 21(1)(b)
(7)	1978 s. 1(5)
(9)	1978 s. 1(6)
(10)	1978 s. 1(7); 1981 (c. 23) s. 21(1)(c)
192(1)	1978 s. 2(1); 1981 (c. 23) s. 22
(2)	1978 s. 2(1)
(3)	1978 s. 2(2); 1981 (c. 23) s. 22
(4)	1978 s. 2(3); 1981 (c. 23) s. 22
(5)	1978 s. 2(4)
(6)	1978 s. 2(5)
(7)	1978 s. 2(7)
193	1978 s. 3
194(1)	1978 s. 4(1); 1986 s. 18(1)
(2)	1978 s. 4(2), (4); 1986 s. 18(1)
(3)	1978 s. 4(3)
195(1)–(5)	1978 s. 4A(1)–(5); 1986 s. 18(2)
196(1)	1968 s. 25(1)

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(1)(c)	1970 (c. 5) s. 1
(1)(f)	1978 Sch. 2 Pt. I para. 4
(1)(g)	1978 Sch. 2 Pt. I para. 4
(1)(g)(i)	1981 s. 1(1)
(1)(g)(ii)	1968 s. 25(1); 1970 (c. 5) s. 1; 1978 Sch. 2 para. 4; 1976 (c. 11) s. 1(1); 1981 s. 1(1)
(2)	1968 s. 25(2)
(3)	1968 s. 25(3)
(4)	1985 (c. 69) Sch. 2 para. 16(3)
(5)	1985 (c. 69) Sch. 2 para. 16(3)
(6)	1968 s. 25(5)
(7)	1968 s. 25(6); 1972 Sch. 9 para. 16
197	1978 s. 5; 1985 Sch. 2 para. 39(2)
198(1)	1978 s. 6(1)
(2)	1978 s. 6(2)
199	drafting; 1978 s. 7; 1968 s. 59; 1985 Sch. 2 para. 39(3)
200(1)	1972 s. 7(2)
(2)	1972 s. 7(4)
(3)	1972 s. 7(5)
201(1)	1972 s. 13(1)
(2)	1972 s. 13(2)
(3)	1972 s. 13(3)
(4)	1968 s. 57(1)
(5)	1968 s. 58(1)
202(1)	1968 s. 58(1); 1972 s. 73(a)
(2)	1968 s. 58(1), (3)(aa)
(3)	1968 s. 58(1)
(4)	1968 s. 58(2)
(5)	1968 s. 58(3); 1969 Sch. 6 para. 40; 1974 Sch. 3 para. 21; 1972 s. 73(a); 1975 Sch. 3 para. 2
(6)	1968 s. 58(4)
(7)	1968 s. 58(5); 1972 Sch. 9 para. 20(a)(i)
Part X	

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203(1)	1972 s. 23(1); 1974 Sch. 3 para. 42; 1978 s. 11(1)(a)
(2)	1972 s. 23(4)
(3)	1972 s. 23(5)
(4)	1972 s. 23(3); 1978 s. 11(1)(b)
(5)	1972 s. 23(7)
(6)	1978 s. 11(3)
(7)	1978 s. 11(4); Interpretation Act 1978 s. 14
204	1972 s. 23A; 1984 (c. 31) s. 8
205	1972 s. 24
206	1972 s. 25
207	1972 s. 26
208	1972 s. 74
209	1972 s. 75
Part XI	
210	1975 s. 1(2)-(4)
211	1972 s. 32(1), (2), (3)
212(1)	1969 s. 62(1); 1975 Sch. 3 para. 3(1); R.2
(2)-(3)	1969 s. 62(1), (3)
(4)	1969 s. 62(5), (6); 1973 (c. 65) Sch. 12 para. 22(a), (b); 1975 Sch. 3 para. 3(2)
(5)	1969 s. 62(8); 1980 s. 17(7)(c)
213	1969 s. 62(2), (3); 1975 (c. 28) Sch. 3 para. 3(1)
Part XII	
214(1)–(2)	1968 s. 49(1); 1974 s. 45(2); 1980 ss. 29, 84 Sch. 5
(3)	1968 s. 49(1A); 1980 s. 29
(4)	1968 s. 49(2A); 1974 s. 45(3)
(5)	1968 s. 49(4)
(6)	1968 s. 49(5); 1974 s. 45(5)
(7)	1968 s. 49(5); 1978 Sch. 2 Pt. 1 para. 5
(8)	drafting
215	1968 s. 49(2); 1969 Sch. 6 para. 39

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216(1)–(9)	1980 s. 5(1)–(9); 1981 Sch. 3 para. 41; 1986 Sch. 1 para. 6
217(1)	1974 s.24(1)
(2)	1974 s. 24(2)
(3)	1974 s. 24(3)
(4)	1974 s. 24(4)
(5)	1974 s. 24(5)
(6)	1974 s. 24(6); 1980 s. 29(2)
(7)	1974 s. 24(7)
(8)	1974 s. 24(8)
(9)	1974 s. 24(9)
218	1969 s. 24A; 1978 s. 9
219(1)	1980 s. 30(1)
(2)	1980 s. 30(2)
(3)	1980 s. 30(3)
(4)	1980 s. 30(4)
(5)	1980 s. 30(5); 1986 Sch. 3
(6)	1980 s. 30(6)
(7)	1980 s. 30(7)
(8)	1980 s. 30(10)
220	1980 s. 30(8); 1986 Sch. 1 para. 15(b)
221	1980 s. 30(9)
222(1)	1978 (c. 27) s. 1(1)
(2)	1978 (c. 27) s. 1(2)
(3)	1978 (c. 27) s. 1(2)
223(1)	1978 (c. 27) s. 1(4)
(2)	1978 (c. 27) s. 1(3), (5)
(3)	1978 (c. 27) s. 1(3)
(4)	1978 (c. 27) s. 1(5)
(5)	1078 (c. 27) s. 1(6)
(6)	1978 (c. 27) s. 2(7)
224(1)	1978 (c. 27) Sch. 1 Pt. I; 1986 (c. 53) Sch. 18
(2)	1978 (c. 27) s. 2(1)
(3)	1978 (c. 27) s. 2(7)
225(1)	1978 (c. 27) sch. 1 Pt. II



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(2)	1978 (c. 27) s. 2(1)
(3)	1978 (c. 27) s. 2(7)
226(1)	1978 (c. 27) s. 2(2)
(2)	1978 (c. 27) s. 2(3)
(3)	1978 (c. 27) s. 2(4)
227(1)	1978 (c. 27) ss. 3(1), (3), (4), 4(2); 1986 (c. 53) Sch. 18 para. 18
(2)	1978 s. 2(5); 1985 (c. 71) Sch. 2 para. 40(2)
228(1)–(3)	1984 s. 28(1)–(3)
229(1)	1980 s. 31(1); 1986 s. 9
(2)	1980 s. 31(2)
(3)	1980 s. 31(3)
(4)	1980 s. 31(4)
(5)	1980 s. 31(5)
(6)	1980 s. 31(5A); 1986 s. 9
(7)	1980 s. 31(5B); 1986 s. 9
230(1)	1980 s. 30(11)
(2)	1980 s. 30(12)
231	1968 s. 52
232	1980 s. 74
233(1)	1968 s. 51(1)
(2)	1968 s. 51(2)
(3)	1968 s. 51(4)
234(1)–(3)	1972 s. 71(1)–(3); R.2
(4)	1972 s. 71; 1973 (c. 56) s. 34(7)
(5)	1966 s. 160(3)
(6)	1966 s. 160(4)
235	1964 s. 101; 1966 s. 212(5); 1973 (c. 65) Sch. 12 para. 5
Part XIII	
236(1)	1974 s. 1(1)
(2)	1974 s. 1(3); 1978 Sch. 2 para. 16(a)
(3)	1974 s. 1(4); 1978 Sch. 2 para. 16(b)
(4)	1974 s. 1(3A); 1982 Sch. 3 para. 29
237	1974 s. 2(2)

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238	1974 s. 2(1), 3(1)
239	1974 s. 2(4)
240(1)	1974 s. 2(3)(a); 1980 s. 66(1); 1974 s. 2(3)(b); 1980 s. 66(1)
(2)	1974 s. 3(2)(a); 1978 Sch. 2 Pt. I para. 17; 1974 s. 3(2)(b); 1978 Sch. 2 Pt. I para. 17; 1974 s. 3(2); 1978 Sch. 2 para. 17; 1980 s. 67
(3)	1974 s. 3(3), (5); 1980 s. 67
(4)	1974 s. 3(3A); 1980 s. 67
(5)	1974 s. 3, (3B); 1980 s. 67
(6)	1974 s. 3(4); 1978 Sch. 2 Pt. I para. 17
241	1974 s. 4; 1980 s. 66(4)(a)
242(1)	1974 s. 5(1); S.I. 1983/493
(2)	1974 s. 5(2)
(3)	1974 s. 5(3); 1980 s. 68; S.I. 1983/493
(4)	1974 s. 5(4)
(5)	1974 s. 5(5); 1978 Sch. 2 para. 18(b); 1982 s. 51
(6)	1974 s. 5(6)
(7)	1974 s. 48(3), 49(3); 1978 Sch. 2 para. 28; R.6 (1)
(8)	1974 s. 48(3), 49(3); 1978 Sch. 2 para. 28; R.6 (1)
(9)	1974 s. 48(3)
(10)	1974 s. 5 (1A),(3A)
243(1)	1974 s. 6(1); Sch. 2 para. 40; 1982 Sch. 3
(2)	1974 s. 6(2)
(3)	1974 s. 6(3); 1981 Sch. 2 para. 35
244(1)	
(2)	1974 s. 7(1A); Sch. 2 para. 19
(3)	1974 s. 7(1AA); 1982 s. 51
(4)	1974 s. 7(1B); 1980 s. 69
(5)	1974 s. 7(2)
(6)	1974 s. 7(3)
(7)	1974 s. 7(4)
(8)	1974 s. 7(5)

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(9)	1974 s. 7(6)
(10)	1974 s. 7(7); 1980 s. 66(2)
(11)	drafting
(12)	1974 s. 48(3), s. 49(3); 1978 Sch. 2 para. 28
(13)	1974 s. 48(3)
(14)	1974 s. 48(3), s. 49(3)
245	1974 s. 8(1); 1980 s. 66(4)(c)
246(1)	1974 s. 9(1)
(2)	1974 s. 9(2)
(3)	1974 s. 9(6); 1981 Sch. 3 para. 29
(4)	1974 s. 9(7)
(5)	1974 s. 9(8)
(6)	1974 s. 9(9); 1978 Sch. 2 para. 20; 1979 (c. 33) Sch. 2 para. 5; 1980 s. 66(4)(d) (ii)
247	1974 s. 10
248(1)	1974 s. 10A(1); 1978 s. 8
(2)	1974 s. 10A(2); 1980 s. 70; 1981 Sch. 3 para. 30
(3)	1974 s. 10A; 1980 s. 66(4)(e); 1982 Sch. 3
(4)	1974 s. 10A(4); S.I. 1983/493
(5)	1974 s. 10A(5); 1982 Sch. 3 para. 31
(6)	1974 s. 10A(6); 1982 (c. 45) Sch. 3 para. 4
(7)-(9)	1974 s. 49(3); 1978 Sch. 2 para. 28
(10)	1974 s. 48(3)
249	1974 s. 10B; 1982 (c. 43) s. 52; R.6(2)
250(1)-(4)	1974 s. 11(1)-(4); 1978 Sch. 2 para. 41(a)
(5)	1974 s. 2(3A); 1974 s. 11(5); 1980 s. 66(1)
(6)	1974 s. 11(6); 1978 Sch. 2 para. 21(a), (b)
(7)	1974 s. 11(7); 1980 Sch. 2 para. 41(b)
251(1)	1969 s. 58(1); 1974 s. 44(2)
(2)	1969 s. 58(2)

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252	1978 (c. 48) s. 1
253	1978 (c. 48) s. 1
254	1974 s. 12; 1982 Sch. 3 para. 32
255(1)	1969 s. 59(1); 1974 Sch. 3 para. 31(a)
(2)	1978 Sch. 3
(3)	1969 s. 59(1A); 1974 Sch. 3 para. 31(b)
(4)	1969 s. 59(2); 1974 Sch. 3 para. 31(c)
(5)	1969 s. 59(3); 1980 s. 32
(6)	1969 s. 59(4); S.I. 1983/271
(7)	1969 s. 59(5); S.I. 1983/271
(8)	1969 s. 59(5A); 1974 (c. 85) Sch. 3 para. 31(d); S.I. 1983/271
(9)	1969 s. 59(6); 1974 Sch. 3 para. 31(e)
(10)	1969 s. 59(7)
256	1968 s.53; 1974 Sch. 3 para. 20
Part XIV	
257(1)	1984 s. 1(1)
(2)	1984 s. 1(2)
(3)	1984 s. 1(3)
(4)	1984 s. 1(7)
(5)	1984 s. 1(5)
(6)	1984 s. 1(6)
258(1)	1984 s. 1(4), (5)
(4)	1984 s. 1(4), (5)
259(1)	1984 s. 2(1)
(2)	1984 s. 2(7)
(3)	1984 s. 2(2)
(4)	1984 s. 2(3)
260	1984 s. 2(5)
261	1984, s. 2(6), (8), 27(7)
262	1984 s. 3(1)
263(1)	1984 s. 3(8)
(2)	1984 s. 3(9)
(3)	1984 s. 3(9)
264(1)	1984 s. 4(1)

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(2)	1984 s. 4(1)(a)
(3)	1984 s. 4(1)(b)
265(1)	1984 s. 3(2)
(2)	1984 s. 3(3), (5)
(3)	1984 s. 3(3)
266(1)	1984 s. 3(4), (11)
(2)	1984 s. 3(6)
(3)	1984 s. 3(6)
(4)	1984 s. 3(6)
267(1)	1984 s. 3(7)
(2)	1984 s. 4(6)
268(1)	1984 s. 4(2)
(2)	1984 s. 4(2)
(3)	1984 s. 4(3)
(4)	1984 s. 4(4)
(5)	1984 s. 4(5)
269(1)	1984 s. 5(1)
(2)	1984 s. 5(2)
270(1)	1984 s. 5(3)
(2)	1984 s. 5(4)
(3)	1984 s. 5(5)
(4)	1984 s. 5(3)
271(1)	1984 Sch. 1 para. 1(1)
(2)	1984 Sch. 1 para. 1(2)
(3)	1984 Sch. 1 para. 1(3)
(4)	1984 Sch. 1 para. 2(1)
(5)	1984 Sch. 1 para. 2(2)
(6)	1984 s. 24(1) (5)
272	1984 Sch. 1 para. 3
273(1)	1984 Sch. 1 para. 4(1)
(2)	1984 Sch. 1 para. 4(2)
(3)	1984 Sch. 1 para. 4(3)
274(1)	1984 Sch. 1 para. 5(1), (2)
(2)	1984 Sch. 1 para. 5(2)
275	1984 s. 7; drafting

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276(1)	1984 s. 26(2)
(2)	1984 s. 26(3), (4)
(3)	1984 s. 26(5), (6)
(4)	1984 s. 24(1)
277(1)	1984 s. 9(1), (12)
(2)	1984 s. 9(2)
(3)	1984 s. 9(3)
(4)	1984 s. 9(4)
278(1)	1984 s. 8(1)
(2)	1984 s. 8(2)
(3)	1984 s. 8(3)(a)
(4)	1984 s. 8(3)(b)
(5)	1984 s. 8(3)(c)
(6)	1984 s. 8(9)
279(1)	1984 s. 8(4), 9(6)
(2)	1984 s. 8(5), 9(7)
(3)	1984 s. 8(6), 9(8)
(4)	1984 s. 8(8), 9(10)
(5)	1984 s. 8(7), 9(9)
280(1)	1984 s. 11(1)
(2)	1984 s. 11(2)
281(1)	1984 ss. 9(5), 10(1), (10), 26(7), (8)
(2)	1984 s. 10(10), (11)
282(1)	1984 ss. 9(5), 10(1), (3), 26(7), (8)(a)
(2)	1984 ss. 9(5), 10(3)
(3)	1984 ss. 10(3), 26(7), (8)(b)
(4)	1984 ss. 10(5), 26(8)(d)
283(1)	1984 ss. 9(5), 10(1), (4), (11), 26(7)(b)
(2)	1984 s. 10(5)
(3)	1984 s. 10(9)
284(1)	1984 ss. 10(1), (6), 26(8)(e), Sch. 3 paras 1, 2
(2)	1984 s. 10(6) Sch. 3 para. 3
285(1)	1984 ss. 9(5)(b), 9(12)(d), 10(7), (12) (d), 26(8)(c), (f)
(2)	1984 s. 10(8)

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(3)	1984 s. 10(8)
286	1984 s. 10(1)(b), (2), Sch. 3 para. 1
287(1)	1984 s. 12(1), (5)
(2)	1984 s. 12(2)
(3)	1984 s. 12(3)
(4)	1984 s. 12(4)
(5)	1984 s. 12(9)
(6)	1984 s. 12(8)
288(1)	1984 s. 12(5)
(2)	1984 s. 12(5)
(3)	1984 s. 12(5)
289(1)	1984 s. 12(6)(a)
(2)	1984 s. 12(6)(b)
(3)	1984 s. 12(7)
290(1)	1984 s. 14(1)
(2)	1984 s. 14(1)
(3)	1984 s. 14(2)
291(1)	1984 s. 14(3)
(2)	1984 s. 14(4), (8)
(3)	1984 s. 14(5), (8)
(4)	1984 s. 14(6)
(5)	1984 s. 14(7)
292(1)	1984 s. 16(1)
(2)	1984 s. 16(2)
293(1)	1984 s. 3(10)
(2)	1984 ss. 8(10)(a), 9(11)
294	Drafting
295	1984 s. 23
296(1)	1984 s. 19(1)
(2)	1984 s. 19(2)
(3)	1984 s. 19(3)
(4)	1984 s. 19(5)
(5)	1984 s. 19(6)
(6)	1984 s. 19(7), (8)
297(1)	1984 s. 19(3)

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(2)	1984 s. 19(4), 24(1)
(3)	1984 s. 19(3), (4)(c)
298(1)	1984 s. 15(1)
(2)	1984 s. 15(2)
299	1984 s. 18
300(1)	1984 Sch. 4 para. 1
(2)	1984 Sch. 4 paras. 2(1)(a)(3)
(3)	1984 Sch. 4 para. 3(1)(a)(3)
(4)	1984 Sch. 4 para. 2(1)(b), 3(1)(b)
(5)	1984 Sch. 4 para. 2(2), 3(2)
(6)	1984 s. 24(1)
301	1984 s. 27(4)
302(1)	1984 s. 27(2)
(2)	1984 s. 27(2)
(3)	1984 s. 27(3)
303	Drafting
Part XV	
304(1)	1966 s. 25(1); 1969 Sch. 6 para. 11, Sch. 7; 1974 Sch. 3 para. 8
(2)	1966 s. 25(2)
(3)	1966 s. 25(3)
305(1)	1974 s. 30(1); 1978 Sch. 2 para. 25(a)
(2)	1974 s. 30(2)
(3)	1974 s. 30(3); 1978 Sch. 2 para. 25(b)
(4)	1974 s. 30(4); 1978 Sch. 2 para. 25(b)
306(1)	1969 s. 21(1); 1974 Sch. 3 para. 30
(2)	1969 s. 21(2); S.I. 1983/1804
(3)	1969 s. 21(5)
(4)	1969 s. 21(3)
(5)	1969 s. 21(4); 1974 Sch. 3 para. 30
(6)	1969 s. 21(5)
307	1969 s. 23 R.7
308(1)	1969 s. 18(1); 1974 Sch. 3 para. 26; 1978 Sch. 2 para. 30
(2)	1969 s. 18(2)
(3)	1969 s. 18(3)



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309(1)	1967 s. 18(1); 1969 Sch. 6 para. 32; 1974 Sch. 3 para. 15; 1978 Sch. 2 para. 30
(2)	1967 s. 18(2); 1969 Sch. 6 para. 32
(3)	1967 s. 18(3)
(4)	1967 s. 18(5)
(5)	1967 s. 18(6)
310	1969 s. 19; 1974 Sch. 3 para. 27; 1978 Sch. 2 para. 31
311(1)	1969 s. 20(1); 1974 Sch. 3 para. 28; 1978 Sch. 2 para. 32
(2)	1969 s. 20(2); 1974 Sch. 3 para. 29
(3)	1969 s. 20(3)
312	1966 s. 161
Part XVI	
313(1)	1966 s. 169(1)
(2)	1966 s. 169(2)
(3)	1966 s. 169(3)
(4)	1966 s. 169(3)
(5)	1966 s. 169(2); 1969 Sch. 6 para. 22
314	1966 s.170
315(1)	1966 s. 171(1)
(2)	1966 s. 171(1) proviso
(3)	1966 s. 171(2)
(4)	1966 s. 171(3)
(5)	1966 s. 171(4)
(6)	1966 s. 171(5)
316	1966 s. 172; 1973 (c. 65) s. 237(2)
317(1)	1966 s. 183; 1968 s. 66; 1969 s. 66; 1974 s. 49(1)
(2)	1966 s. 183(2)
(3)	1966 s. 183(3)
318	1966 s. 184; 1982 (c. 48) s. 54 Sch. 6 para 22
319(1)	1966 ss. 169(2), 185(1); 1969 Sch. 6 para. 26, Sch. 7
(2)	1966 s. 185(2); 1980 s. 65(1)(g); 1982 (c. 48) s. 54 Sch. 6 para. 23

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320	1966 s. 186; 1969 (c. 19) s. 10(1); 1982 (c. 48) s. 54
321(1)	1966 s. 118(1); R.8
(2)	R.8
(3)	1966 s. 118(2)
(4)	1966 s. 118(2) proviso
322	1966 s. 187
323	1966 s. 188
324	1966 s. 190(2)-(5); 1969 Sch. 6 para. 27; 1971 (c. 58) s. 35
325(1)	1966 s. 192(4); 1969 Sch. 6 para. 28(1); 1974 Sch. 3 para. 13
(2)	1966 s. 192(5); 1982 (c. 48) s. 54
326(1)	1966 s. 192(6); 1969 Sch. 6 para. 28(b); 1974 Sch. 3 para. 13
(2)	1966 s. 192(7); 1969 Sch. 6 para. 28(c); 1974 Sch. 3 para. 13
327	1974 (c. 44) s. 121
328	1974 (c. 44) s. 122
329(1)	1966 s. 193(1)
(2)	1966 s. 194(1)
(3)	1966 s. 194(2)
(4)	1966 s. 194(3)
(5)	1966 s. 194(4)
(6) ***	1966 s. 196(3)
330	1966 s. 197; R.1
331	1966 s. 198; 1974 s. 48(4)
332	1966 s. 199; R.1
333	1966 s. 200; R.1
334	1966 s. 203
335	1966 s. 205
336(1)	1954 s. 14(1)
(2)	1954 s. 14(1)
(3)	1954 s. 14(1)
(4)	1954 s. 14(1)
337	1966 s. 204

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338(1)	1966 ss. 1 and 208(1); 1973 Sch. 12 para. 6; 1974 Sch. 13 para. 15
“development corporation”	1968 s. 67(2);
“Exchequer contribution”	1968 s. 67(2);
“financial year”	1968 s. 67(2);
“house”	1966 s. 208(1); 1972 s. 78(1); R.9
“housing action area”	1974 s. 49;
“housing association”	1974 s. 49;
“improvement”	1974 s. 49;
“improvement grant”	1974 s. 49;
“land”	1972 s. 78(1);
“loan charges”	1968 s. 67(2);
“local authority”	1966 s. 1; 1973 Sch. 12 para. 6;
“official representation”	1966 s. 180(1); 1973 (c. 65) Sch. 27 Part I para. 2;
“order for possession”	1974 s. 49;
“overspill agreement”	1972 s. 78(1);
“owner”	1966 s. 208(1); 1974 s. 49;
“prescribed”	1966 s. 208(1); 1974 s. 49; 1980 s. 73; 1982 (c. 43) Sch. 3 para. 33;
“proper officer” drafting;	
“public undertakers”	1973 (c. 65) s. 235(2);
“repair grants”	1974 s. 49;
“a service charge”	1972 s. 78(1);
“standard amenities”	1974 s. 49;
“superior”	1966 s. 208(1); 1974 Sch. 13 para. 15;
“tenancy”	1974 s. 49;
“tolerable standard”	1974 s. 49
“year”	1972 s. 78(1);
“the year 1986-87”	1972 s. 78(1)
(2)	1966 s. 208(2)
(3)	1966 s. 208(3)
339	Drafting
340	Drafting
SCHEDULES	
Sch. 1	1966 Sch. 4

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Sch. 2	1980 Sch. 1; 1986 s. 10, Sch. 1 para. 18
Sch. 3	
Part I	1980 Sch. 2 Pt. I
para. 6	1986 Sch. 1 para. 19(b)
para. 10	1986 Sch. 1 para. 19(a)
para. 15	1984 (c. 18) s. 6
para. 16	1986 s. 11
Part II	1980 Sch. 2 Pt. II
Sch. 4	1980 s. 21(7), Sch. 3
Sch. 5	1980 s. 23(3), Sch. 4
Sch. 6	1980 s. 1A(3) Sch. A1; 1981 s. 35(3)
Sch. 7	
Part I	
para. 1	1974 (c. 44) Sch. 10A para. 1; 1975 (c. 28) Sch. 3 para. 18; 1978 (c. 14) Sch. 2 para. 15
(1)-(9)	para. 1(1)-(9)
para. 2	para. 2(1)-(3)
Part II	
para. 3	para. 4; 1978 (c. 14) Sch. 2 para. 15
(1)-(6)	para. 4(1)-(6)
(7)	para. 4(7); 1978 Sch. 2 para. 15
para. 4	para. 5
para. 5	para. 6
para. 6	para. 7(1)-(3)
para. 7	para. 8
para. 8	para. 9
para. 9	para. 10(1)-(4)
para. 10	para. 11(1)-(6)
para. 11	para. 12
para. 12	para. 13
Part III	
para. 13	para. 14(1)-(9)
para. 14	para. 15
Sch. 8	
Part I	

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para. 1	1974 s. 20(1)-(4)
para. 2	1974 s. 21
Pt. II	
para. 3	1974 s. 22(1), (2)
para. 4	1974 s. 23
para. 5	1974 s. 26(1)-(4)
para. 6	1974 s. 28
para. 7	1974 s. 31
para. 8	1974 s. 32
para. 9	1974 s. 33
para. 10	1974 s. 34(1)-(7)
para. 11	1974 s. 36A; 1984 (c. 12) Sch. 4 para. 61
Pt. III	
para. 12 (1),(3),(4)	1974 s. 29(1), (3), (4)
(2)	1974 s. 29(2); 1978 Sch. 2 para. 42(a) and (b)
Pt. IV	
para. 13(1)-(3)	1966 s. 80; 1974 s. 25
(4)	1966 s. 87(1), (2); 1974 s. 25(1)
Sch. 9	1969 Sch. 2
Sch. 10	
para. 1(1)	1966 s. 6(1); 1969 Sch. 6 para. 3(a); 1974 Sch. 3 para. 4
(2)	1966 s. 6(2)
(3)	1966 s. 6(3)
(4)	1966 s. 6(3A); 1969 Sch. 6 para. 3(b)
(5)	1966 s. 6(4); 1969 Sch. 6 para. 3(c)
para. 2	1966 s. 7(1)
para. 3	1966 s. 8(1)-(5)
para. 4	1966 s. 9(1)-(5)
para. 5	1966 s. 10(1), (2)
Sch. 11	
Pt. I	
para. 1	1966 s. 126(2)-(5)
para. 2	1966 s. 127(1)-(8)

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Pt. II	
para. 3	1966 s. 131(1)-(4)
para. 4	1966 s. 132(1)-(3)
para. 5	
(1)-(6)	1966 s. 133(4)-(9)
(7)	1966 s. 133(11)
para. 6	
(1)-(7)	1966 s. 130(3)-(9)
(8)	1966 s. 130(10); 1981 (c. 23) Sch. 2 para. 11
para. 7	
(1)	1966 s. 135(1)
(2)	1966 s. 135(1); 1974 c. 44 Sch. 13 para. 12
(3)	1966 s. 135(2); 1974 c. 44 Sch. 13 para. 12
(4)	1966 s. 135(2A); 1974 c. 44 Sch. 13 para. 12
(5)	1966 s. 135(3)
(6)	1966 s. 135(4)
Pt. III	
para. 8	1966 Sch. 6 para. 1
para. 9	1966 Sch. 6 para. 3
para. 10	1966 Sch. 6 para. 4
Pt. IV	
para. 11	1966 s. 109(3)-(6); 1969 Sch. 6 para 14
Sch 12	1978 s. 7, Sch. 1
Sch 13	1968 Sch. 5; 1969 Sch. 6 para. 45; 1974 Sch. 3 para. 24
Sch 14	1968 Sch. 6; 1969 Sch. 6 para. 46; 1974 Sch. 3 para. 25
Sch 15	
Pt. I	
para. 1(1)	1972 s. 23(1)
(2)	1972 s. 23(2)
(3)	1972 s. 23(6)
Pt. II	

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para. 2	1972 Sch. 4 para. 1; 1978 Sch. 2 Pt. II para. 37
para. 3	1972 Sch. 4 para. 2; 1978 Sch. 2 Pt. II para. 38; 1986 Sch. 2 para. 2
para. 4	1972 Sch. 4 para. 3
para. 5	1972 Sch. 4 para. 7
para. 6	1972 Sch. 4 para. 8
para. 7	1972 Sch. 4 para. 9
para. 8	1972 Sch. 4 para. 10
para. 9	1972 Sch. 4 para. 11; 1975 (c. 28) Sch. 1 Pt. I para. 1(4); 1980 s. 28(2)
para. 10	1972 Sch. 4 para. 12
Sch 16	1972 Sch. 5
Sch 17	1968 s. 49(3); 1974 (c. 45) s. 45(4)
para. 3	R.10
Sch 18	
Pt. I	1974 Sch. 1 Pt. I; S.I. 1983/492
Pt. II	1974 Sch. 1 Pt. II
Sch 19	
para. 1	1974 Sch. 2 para. 1; 1981 (c. 23) Sch. 3 para. 31(a)
para. 2	1974 Sch. 2 para. 2
para. 3	1974 Sch. 2 para. 4
para. 4	1974 Sch. 2 para. 5
para. 5	1974 Sch. 2 para. 6
para. 6	1974 Sch. 2 para. 7; 1978 Sch. 2 para. 29; 1981 Sch. 3 para. 31(b); S.I. 1980/1412
para. 7	1974 Sch. 2 para. 8
para. 8	1974 Sch. 2 para. 9; 1981 Sch. 2 para. 36
Sch. 20	
Pt. I	
para. 1	1984 s. 7(1)
para. 2	1984 s. 7(1)
para. 3	1984 s. 7(2), (3)
para. 4	1984 s. 7(4)

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para. 5	1984 s. 7(5)
para. 6	1984 s. 7(6)
para. 7	1984 s. 7(7)
para. 8	1984 s. 7(8)
Pt. II	
para. 9	1984 Sch. 2 para. 1(1), (2)
para. 10	
(1)	1984 Sch. 2 para. 2(1), 2(a)-(c), (e), (3)
(2)	1984 Sch. 2 para. 2(2)(d)
(3)	1984 Sch. 2 para. 2(1)
para. 11	
(1)	1984 Sch. 2 para. 3(1)
(2)	1984 Sch. 2 para.(8)
(3)	1984 Sch. 2 para. 3(6)
(4)	1984 Sch. 2 para. 3(5)
para. 12	1984 Sch. 2 para. 5
Sch. 21	
para. 1	1984 s. 13(1)-(4)
para. 2	1984 s. 13(1)
para. 3	1984 s. 13(2)
para. 4	1984 s. 13(3), (4)(a)
para. 5	1984 s. 13(3)
para. 6	1984 s. 13(4)(b), (5), (6)
para. 7	1984 s. 13(7), (8)
Sch. 22	
Pt. I	Drafting
para. 6	1966 s. 212(3)
para. 7	S.I. 1986/2139
Pt. II	Drafting
Sch. 23	Drafting
para. 1	1974 Sch. 3 paras. 1, 2
para. 4	1974 Sch. 13 para. 1
para. 10	1969 Sch. 9; 1974 Sch. 3 para. 3; 1966 Sch. 9
para. 15	1974 Sch. 3 para. 33



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para. 18

1974 Sch. 3 para. 47

Sch. 24

Drafting

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