

SCHEDULES

FIRST SCHEDULE

Sections 6, 24.

MODIFICATIONS TO HOUSING (SCOTLAND) ACT, 1950 (14 GEO. 6. C. 34)

PART I

Modifications relating to Part I of this Act

- 1 In paragraph (b) of subsection (3) of section seventy-three (which paragraph requires certain houses to be reserved for the agricultural population) the reference to a contribution payable under section eighty-five shall include a reference to a contribution payable under paragraph (c) of subsection (2) of section two of this Act.
- 2 In the following provisions, that is to say—
 - (a) section eighty-six (which relates to additional Exchequer contributions for houses involving expenditure on rights of support) and
 - (b) section eighty-eight (which relates to additional Exchequer contributions for houses constructed to preserve the character of their surroundings),any reference to a contribution payable under Part VI shall include a reference to a contribution payable under Part I of this Act, and any reference to a contribution payable under section eighty-four or eighty-five shall include a reference to a contribution payable under section two of this Act.
- 3 Subsection (4) of section eighty-seven (which subsection relates to housing accommodation transferred from a development corporation to a local authority) shall have effect as if any reference to sums payable to a development corporation under subsection (3) of the said section eighty-seven included a reference to sums payable to such a corporation under Part I of this Act.
- 4 Section one hundred and twenty-seven (which provides among other things for the review of Exchequer contributions) shall have effect as if the reference in paragraph (a) of subsection (2) thereof to the annual contributions payable under section eighty-four, eighty-five or eighty-six included a reference to the annual contributions payable under sections two, three and four of this Act:

Provided that no order made under the said section one hundred and twenty-seven by virtue of this paragraph shall have effect in relation to a house such as is mentioned in paragraph (d) of subsection (2) of section two of this Act if the overspill agreement in pursuance of which the house is provided was approved by the Secretary of State before the date of coming into operation of the order.
- 5 Subsection (2) of section one hundred and twenty-eight (which subsection relates to the time and manner in which contributions under certain enactments shall be payable) and section one hundred and twenty-nine (which relates among other things to the failure of a local authority to discharge any duty, or exercise any power, under certain enactments) shall apply in relation to sections two, three and four of

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

this Act as they apply in relation to the enactments specified in Part II of the Sixth Schedule, and accordingly the said Part II shall have effect with the addition, at the end thereof, of the words—

“13 Sections two, three and four of the Housing and Town Development (Scotland) Act, 1957.”;

and in the said subsection (2) the reference to section ninety-three shall include a reference to section twenty-three of this Act.

6 Subsection (1) of section one hundred and eighty-four and Part I of the Sixth Schedule (which together define the expression " Exchequer contribution ") shall have effect with the addition, at the end of the said Part I, of the words—

“13 Sections two, three and four of the Housing and Town Development (Scotland) Act, 1957.”

PART II

OTHER MINOR MODIFICATIONS

7 Subsection (1) of section sixty-three (which relates to the acquisition of land by agreement for the purposes of Part V of that Act) shall have effect as if for the words from " in like manner " to the end of the subsection there were substituted the words " under section one hundred and fifty-six of the Local Government (Scotland) Act, 1947 (notwithstanding anything in section one hundred and seventy-three of that Act), and section one hundred and fifty-eight of that Act shall apply accordingly ".

8 In subsection (3) of section seventy-five (which relates to advances made by a local authority for the purpose of increasing housing accommodation) any reference, in relation to an advance, to a bond and disposition in security of the lands with which the advance is concerned shall include a reference to a bond and such other deed of heritable security as may be agreed between the parties making and receiving the advance.

9 Subsection (1) of section one hundred and six (which relates to the nature and amounts of Exchequer contributions towards the annual loss likely to be incurred by a local authority as a result of giving effect to approved improvement proposals) shall have effect with the addition at the end thereof of the words " or for such period, not exceeding sixty financial years beginning as aforesaid, as may be determined by the Secretary of State."

10 Section one hundred and eleven (which relates to improvement grants to persons other than local authorities) shall have effect with the addition at the end thereof of the following subsection, that is to say—

“(8) If a local authority refuse to approve an application under this section, or, having approved such an application, pay by way of an improvement grant in respect thereof an amount smaller than the maximum amount allowed by subsection (1) of the next following section apart from the proviso to the said subsection, they shall, if the applicant so requests, notify him in writing of the grounds of their refusal or, as the case may be, the grounds of their decision not to pay the said maximum amount”.

11 Subsection (1) of section one hundred and twelve (which subsection limits the amount which may be paid by a local authority by way of an improvement grant) shall have effect and shall be deemed always to have had effect, as if there were

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

- added to paragraph (b) thereof the words " for each dwelling provided or improved by the works ".
- 12 Section one hundred and thirty-eight (which relates to the credits and debits in a local authority's housing revenue account) shall have effect as if in subsection (1) thereof—
- (a) after paragraph (c) there were added the following paragraph, namely—
 - “(d) any payments received by them from another local authority in pursuance of any overspill agreement within the meaning of Part II of the Housing and Town Development (Scotland) Act, 1957, being payments such as are mentioned in paragraph (vii) of this subsection ;”and;
 - (b) after paragraph (vi) thereof there were added the following paragraph, namely—
 - “(vii) any payments made by them to another local authority or a development corporation in pursuance of any overspill agreement within the meaning of Part II of the Housing and Town Development (Scotland) Act, 1957, being payments towards expenditure which, if it had been incurred by the first mentioned local authority, would have been debited by them to their housing revenue account in pursuance of this subsection”.
- 13 Subsection (1) of section one hundred and eighty-four (which relates to interpretation) shall have effect as if in the definition of the expression " flat" after the word " premises " there were added the words " whether or not on the same floor ".
- 14 Paragraph 8 of the Seventh Schedule (which paragraph relates to the contributions payable under section five of the Housing, Town Planning, etc. (Scotland) Act, 1919) shall have effect as if for the words from "the mean of" to the end of the paragraph there were substituted the words " the total of the rateable values of lands and heritages in the district on which the rates are assessed. "

SECOND SCHEDULE

Section 10.

TOWN DEVELOPMENT SCHEMES

- 1 Every town development scheme shall in such manner as the Secretary of State may direct (either generally or in relation to the particular scheme) specify—
- (a) the area to which the scheme relates ;
 - (b) the uses to which it is proposed that the various parts of the area are to be put; and
 - (c) the arrangements proposed to be made for the provision of any water supply or sewerage service required for the purposes of the scheme, and the public authority by whom it is proposed that the supply or service shall be provided.

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

- 2 Where a town development scheme is promoted by a receiving authority who are not the local planning authority for the area or any part of the area to which the scheme relates they shall before submitting the scheme to the Secretary of State consult the local planning authority for the area, or, as the case may be, that part of the area, and shall on submission of the scheme deliver to them a copy of the scheme as submitted.
- 3 Where it is proposed in a town development scheme—
- (a) that any public authority not being the receiving authority are to undertake the provision of any water supply or sewerage service, or
 - (b) that the receiving authority are to provide any such supply or service or construct works for the purposes of any such supply or service within the limits of supply or district of any other public authority responsible for providing the supply or service in question,
- the receiving authority shall before submitting the scheme to the Secretary of State consult that other authority and shall on submission of the scheme deliver to them a copy of the scheme as submitted.
- 4 Any authority entitled to receive a copy of a town development scheme under paragraph 2 or 3 of this Schedule may within sixty days of the receipt thereof submit to the Secretary of State objections thereto.
- 5 (1) Subject to the next following sub-paragraph, where any objections to a town development scheme have been duly submitted to the Secretary of State under the last foregoing paragraph, and have not been withdrawn, the Secretary of State shall not approve the scheme except after causing a local inquiry to be held with respect to such objections and considering the report of the person holding the inquiry.
- (2) If every authority who have submitted, and not withdrawn, objections to a town development scheme agree that a local inquiry should be dispensed with, so much of the foregoing sub-paragraph as relates to the holding of such an inquiry shall not apply to that scheme.
- (3) Section three hundred and fifty-five of the Local Government (Scotland) Act, 1947 (which contains provisions as to local inquiries) shall apply to local inquiries held under this paragraph.
- 6 If the Secretary of State proposes to approve a town development scheme with any modification imposing any duty on any public authority he shall give notice of his intention to the receiving authority and any public authority affected by the modification, who may within sixty days of the notification submit to the Secretary of State objections to the modification ; and paragraph 5 of this Schedule shall apply to objections so submitted in like manner as it applies to objections to a town development scheme submitted under paragraph 4 of this Schedule.

THIRD SCHEDULE

Section 28.

REPEALS

Session and Chapter	Short Title	Extent of Repeal
25 & 26 Geo. 5. c. 41.	The Housing (Scotland) Act, 1935.	Sections thirty-one and thirty-six.

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

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Geo. 6. c. 38.	The Housing (Agricultural Population) (Scotland) Act, 1938.	Section two.
2 & 3 Geo. 6. c. 3.	The Housing (Financial Provisions) (Scotland) Act, 1938.	Section five.
14 Geo. 6. c. 34.	The Housing (Scotland) Act, 1950.	In section seventy-four, the words " or of any of the contributions referred to in the Eighth Schedule to this Act payable by the authority"; in section ninety-one, in subsection (2), the words " and the like annual contributions by the local authority"; in section ninety-three, subsection (3); section ninety-seven; section ninety-eight; section ninety-nine; section one hundred and eight; in section one hundred and eighteen, paragraph (b); in section one hundred and twenty-seven, in subsection (2), paragraph (b); in the Seventh Schedule, in paragraph 1, the words " and of the Eighth Schedule to this Act "; in the Eighth Schedule, paragraphs 1 to 11A inclusive and paragraph 13.
2 & 3 Eliz. 2. c. 50.	The Housing (Repairs and Rents) (Scotland) Act, 1954.	Section five.
3 & 4 Eliz. 2. c. 24.	The Requisitioned Houses and Housing (Amendment) Act, 1955.	Section sixteen.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Court of Session Act, 1868	31 & 32 Vict. c. 100.
Housing, Town Planning, etc. (Scotland) Act, 1919	9 & 10 Geo. 5. c. 60.
Town and Country Planning (Scotland) Act, 1945	8 & 9 Geo. 6. c. 33.
Distribution of Industry Act, 1945	8 & 9 Geo. 6. c. 36.

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

Short Title	Session and Chapter
Water (Scotland) Act, 1946	9 & 10 Geo. 6. c. 42.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Housing (Scotland) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 63.
Housing (Repairs and Rents) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 50.
Valuation and Rating (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 60.