

1972 No. 1204

HOUSING, ENGLAND AND WALES

The Isles of Scilly (Housing) Order 1972

<i>Made</i>	- - -	<i>7th August 1972</i>
<i>Laid before Parliament</i>		<i>7th August 1972</i>
<i>Coming into Operation</i>		<i>10th August 1972</i>

The Secretary of State for the Environment, in exercise of his powers under section 103 of the Housing Finance Act 1972(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

1. This order may be cited as the Isles of Scilly (Housing) Order 1972 and shall come into operation on 10th August 1972.

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order—

“the Act of 1972” means the Housing Finance Act 1972;

“the Council” means the Council of the Isles; and

“the Isles” means the Isles of Scilly.

(3) Any reference in this order to a numbered Schedule shall be construed, except where the context otherwise requires, as a reference to the Schedule bearing that number in this order.

(4) Any reference in this order to any enactment shall be construed, except where the context otherwise requires, as a reference to that enactment as amended, and as including references thereto as extended or applied by or under any other enactment, including any provision of this order.

(5) Any reference in this order to any instrument includes a reference thereto as amended by any other instrument.

3.—(1) The enactments specified in Schedule 1 shall extend to the Isles subject to the adaptations and modifications specified in Schedule 2.

(2) Nothing in this article shall apply to any provision contained in Part III or Part IV of the Act of 1972, or to any provision of Part IX of that Act if and so far as that provision of the said Part IX relates to controlled or regulated tenancies or to the Rent Act 1968(c).

(a) 1972 c. 47.
(c) 1968 c. 23.

(b) 1889 c. 63.

4.—(1) The orders specified in Schedule 3 are hereby revoked.

(2) The revocation of the said orders in so far as they relate to payments made or to be made by the Secretary of State thereunder, shall have effect only as respects payments for the year 1972-73 and subsequent years, and have effect subject to Schedule 8 to the Act of 1972.

Article 3

SCHEDULE 1

HOUSING ENACTMENTS EXTENDED TO THE ISLES

The Housing Act 1957(a)
 The Housing (Financial Provisions) Act 1958(b)
 The Housing (Underground Rooms) Act 1959(c)
 The House Purchase and Housing Act 1959(d)
 The Housing Act 1961(e)
 The Housing Act 1964(f)
 The Housing Subsidies Act 1967(g)
 The Housing Act 1969(h)
 The Housing Act 1971(i)
 The Housing Finance Act 1972.

Article 3

SCHEDULE 2

ADAPTATIONS AND MODIFICATIONS OF THE ENACTMENTS SPECIFIED IN SCHEDULE 1

1. Any reference in the enactments specified in Schedule 1 to a local authority or to a housing authority shall, unless the context otherwise requires, include the Council.

2. Any reference in the said enactments to the general rate fund shall be construed as a reference to the General Fund of the Council.

3. In the Housing Act 1957, section 173 shall apply as though the Council were the council of a county borough.

4. In section 14(1) of the Housing Subsidies Act 1967, for the words "before the commencement of this Act" there shall be substituted the words "before 19th May 1969 (being the date on which the Isles of Scilly (Housing) Order 1969(j) came into operation)".

(a) 1957 c. 56.
 (c) 1959 c. 34.
 (e) 1961 c. 65.
 (g) 1967 c. 29.
 (i) 1971 c. 76.

(b) 1958 c. 42.
 (d) 1959 c. 33.
 (f) 1964 c. 56.
 (h) 1969 c. 33.
 (j) S.I. 1969/638 (1969 II, p. 1759).

5. In the Housing Act 1969, in section 33 (conversion of highway into footpath or bridle-way)—

- (i) in subsection (1), the words from “whether” onwards shall be omitted; and
- (ii) in subsection (2), the words “who are not the local planning authority” and, in paragraph (a), the words “instead of by the local planning authority” shall be omitted and, in paragraph (b), for the words from “by” onwards there shall be substituted the words “under section 213 of that Act by a competent authority”.

6. In the Housing Finance Act 1972—

- (a) in section 2, “the authority’s subsidies for the year 1971-72” means the payments described in subsection (4) of that section with the addition of any payments made or to be made to the Council for the year 1971-72 in respect of property within their Housing Revenue Account under any of the orders specified in Schedule 3;
- (b) in Schedule 8—
 - (i) in paragraph 10, the sums referred to shall include any sums paid to the Council before the coming into force of this order under any of the orders specified in Schedule 3; and
 - (ii) in paragraph 14, the sums referred to shall include any sums payable to the Council under any of the orders specified in Schedule 3.

Article 4

SCHEDULE 3

INSTRUMENTS REVOKED

- The Isles of Scilly (Housing) Order 1946(a)
- The Isles of Scilly (Housing) Order 1961(b)
- The Isles of Scilly (Housing) (Amendment) Order 1963(c)
- The Isles of Scilly (Housing) (Amendment) Order 1969(d)
- The Isles of Scilly (Housing) Order 1969(e).

Peter Walker,

Secretary of State for the Environment.

7th August 1972.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order is made under section 103 of the Housing Finance Act 1972 (“the Act of 1972”). This section provides a comprehensive power to extend housing enactments by order to the Isles of Scilly. It replaces a number of

(a) S.R. & O. 1946/2105 (Rev. XII, p. 572: 1946 I, p. 980).

(b) S.I. 1961/136 (1961 I, p. 189).

(d) S.I. 1969/637 (1969 II, p. 1758).

(c) S.I. 1963/1722 (1963 III, p. 3342).

(e) S.I. 1969/638 (1969 II, p. 1759).

existing provisions (set out in section 103(6) of the Act of 1972), which together enabled certain housing provisions to be extended to the Isles by order subject to exceptions, adaptations and modifications and financial provision to be made for new dwellings provided by the Council. The Order revokes all existing housing orders relating to the Isles (listed in Schedule 3).

The Order extends general housing legislation (specified in Schedule 1) to the Isles, subject to the adaptations and modifications (which are set out in Schedule 2). These adaptations and modifications take account of the special position of the Council of the Isles. The Order does not, however, apply to Part III or IV of the Act of 1972, or to Part IX of that Act in so far as it applies to controlled or regulated tenancies or to the Rent Act 1968 (which will extend to the Isles when those provisions come into operation).

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