Housing Act 1964

CHAPTER 56

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ELIZABETH II

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An Act to set up a new body to assist housing societies to provide housing accommodation, to confer powers and duties on local authorities to compel the carrying out of works for the improvement of dwellings which are without all or any of the standard amenities, to amend the law relating to the giving of financial assistance for the improvement of housing accommodation, to make further provision as to the powers and duties of local authorities as respects houses let in lodgings or occupied by more than one family, to amend the provisions of the Clean Air Act 1956 relating to the making of contributions to expenditure incurred in the adaptation of fireplaces in private dwellings, and to amend in other respects the law relating to housing. [16th July 1964]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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ASSISTANCE FOR HOUSING SOCIETIES PROVIDING HOUSING ACCOMMODATION

The Housing Corporation.

1.—(1) There shall be an authority, to be called the Housing Corporation (hereafter in this Part of this Act referred to as "the Corporation") whose general duty it shall be to promote and assist the development of housing societies, to facilitate the proper exercise and performance of the functions of such societies, and to publicise, in the case of societies providing houses for their own members no less than in the case of those

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providing houses for letting, the aims and principles of such societies; and, for the purpose of performing that general duty, the Corporation shall exercise and perform the functions assigned to them by this Part of this Act.

(2) Directions of a general character as to the exercise and performance of the functions of the Corporation may be given by the Minister and the Secretary of State acting jointly; and whether or not any such directions have been given as aforesaid, directions of either a general or a particular character may be given—

(*a*) where the directions concern the exercise or performance of those functions in England and Wales only, by the Minister;

(*b*) where the directions concern the exercise or performance of those functions in Scotland only, by the Secretary of State;

and the Corporation shall comply with any directions given under this subsection.

Any directions given under this subsection may be varied or revoked by subsequent directions thereunder given by the same persons or person.

(3) It is hereby declared that the Corporation are not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown, or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that their property is not to be regarded as property of, or property held on behalf of, the Crown.

(4) A transaction between a person and the Corporation shall not be invalid by reason of any non-compliance by the Corporation with any direction given to the Corporation under subsection (2) of this section unless that person had actual notice of the direction; and section 29 of the Town and Country Planning Act 1959 (protection of persons deriving title to land under transactions requiring consent) shall apply in relation to the Corporation as it applies in relation to an authority to whom Part II of that Act applies.

(5) References to undertakers in section 15 of the Local Government Superannuation Act 1953 (which enables local authorities to admit to their superannuation schemes employees of statutory undertakers) shall extend to the Corporation.

(6) The provisions of Schedule 1 to this Act shall have effect with respect to the constitution and proceedings of the Corporation and other matters related to the Corporation and its members.

(7) In this Part of this Act the expression "housing society" means a society—

(*a*) which is registered under the Industrial and Provident Societies Act 1893; and

(*b*) which does not trade for profit; and

(*c*) which is established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing houses, being—

(i) houses to be kept available for letting, or

(ii) where the rules of the society restrict membership of the society to persons entitled or prospectively entitled (whether as tenants or otherwise) to occupy a house provided or managed by the society, houses for occupation by members of the society,

whether or not the purposes or objects of the society include any of the supplementary purposes or objects mentioned in subsection (8) of this section, so however that the expression shall not include a society which, in addition to the purposes or objects mentioned in paragraph (*c*) above, has any purposes or objects not mentioned in the said subsection (8).

(8) The supplementary purposes or objects referred to in the last foregoing subsection are those—

(*a*) of providing land or buildings for purposes connected with the requirements of the persons occupying the houses provided or managed by the society,

(*b*) of encouraging the formation of other housing societies, and

(*c*) of giving advice on the formation and running of such societies.

(9) In the application of this section to Scotland, in subsection (4) for the reference to the Town and Country Planning Act 1959 there shall be substituted a reference to the Town and Country Planning (Scotland) Act 1959.

Power of Corporation to make loans to housing societies.

2.—(1) The Corporation shall have power to make loans to a housing society for the purpose of enabling the housing society to meet the whole or any part of any expenditure incurred or to be incurred by the housing society in carrying out its objects.

(2) Any directions given to the Corporation under section 1(2) of this Act with respect to the terms of any such loan shall require the consent of the Treasury and, subject to any such directions, the terms on which any such loan is made shall be such as the Corporation may determine either generally or in any particular case, and may, in particular, include terms for preventing repayment of the loan or any part of it before a specified date without the consent of the Corporation.

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(3) The Corporation may, with the consent in writing of the Minister, give to any housing society (whether in connection with a scheme under section 5 of this Act or otherwise) directions with respect to the disposal of any land belonging to the society in which the Corporation have an interest as mortgagee under a mortgage entered into by the society; and where directions under this subsection are given with respect to any land belonging to a housing society, it shall be the duty of the society to comply with the directions so long as the Corporation continue to have such an interest in that land.

Any directions given under this subsection with the consent aforesaid may be varied or revoked by subsequent directions thereunder given with the like consent.

(4) Where, in the case of a housing society the rules of which restrict membership of the society to persons entitled or prospectively entitled (whether as tenants or otherwise) to occupy a house provided or managed by the society, the Corporation propose to give directions to the society under subsection (3) of this section requiring it to transfer its interest in any land to the Corporation or any other person, the Minister shall not consent to the giving of the directions unless he is satisfied that arrangements have been made which, if the directions are given, will secure that the members of the society receive fair treatment in connection with the transfer.

(5) The reference in subsection (1) of this section to expenditure incurred or to be incurred by a housing society in carrying out its objects includes a reference to expenditure incurred or to be incurred by it in acquiring land on which to construct houses or in acquiring houses to be managed by the society, whether after improvement by the society or in the condition in which they are acquired.

(6) In the application of this section to Scotland, for the references to the Minister there shall be substituted references to the Secretary of State.

Provision of land for housing societies.

3.—(1) The Corporation shall have power to sell, or, with the consent in writing of the Minister, to lease, to a housing society any land which the housing society requires for carrying out its objects and, if the Corporation sell the land, the purchase-money may, under the last foregoing section, be left outstanding as a loan to the housing society.

(2) The Corporation may acquire land, whether by way of purchase, lease, exchange or gift, for the purpose of selling it or leasing it to housing societies under the foregoing subsection.

(3) The Corporation may with the consent in writing of the Minister clear any land acquired by them under the last foregoing subsection and carry out any other work on the land

to prepare it as a building site or estate, including the laying out and construction of streets or roads and open spaces and the provision of sewerage facilities and supplies of electricity, gas and water.

(4) The powers conferred by the foregoing provisions of this section may be exercised as respects any land notwithstanding that the land is not immediately required for sale or lease to a housing society, and the Corporation shall, until the land is so sold or leased, have power to repair, maintain and insure any buildings or works for the time being thereon and generally to deal in the proper course of management with the land and any such buildings or works, and to charge for the tenancy or occupation thereof.

(5) If, after the Corporation have acquired any land, it appears to the Corporation that there is no housing society, whether in existence or about to be formed, to which the land can suitably be sold or leased, and that the land is capable of being used to provide housing accommodation for letting, the Corporation may prepare and submit to the Minister a scheme for the Corporation themselves to undertake all the operations required for the provision of such housing accommodation on the land (including any operations which might have been carried out by a housing society in connection with the provision of the housing accommodation) and for the Corporation to retain the housing accommodation and keep it available for letting so long as the scheme has not been terminated in any manner provided for therein.

(6) Before submitting to the Minister a scheme under subsection (5) of this section the Corporation shall send a copy of it to the local authority in whose area the land to which the scheme relates is situated.

(7) Where a scheme under the said subsection (5) is submitted to the Minister by the Corporation, the Minister, on being satisfied of the lack of any housing society to which the land to which the scheme relates can suitably be transferred and that the requirements of the last foregoing subsection have been complied with, and after considering any representations which may be made to him by the local authority in whose area the land is situated, may, if he thinks fit, approve the scheme; and if he does so the Corporation shall have power to carry through the provisions of the scheme.

(8) Any scheme approved by the Minister under this section may be varied from time to time in accordance with proposals in that behalf made by the Corporation and approved by the Minister.

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(9) The Increase of Rent and Mortgage Interest (Restrictions) Act 1920 shall not apply to a tenancy where the interest of the landlord belongs to the Corporation and (without prejudice to the foregoing provision) a person shall not be entitled to retain possession against the Corporation by virtue of the Rent and Mortgage Interest Restrictions Acts 1920 to 1939.

(10) In the application of this section to Scotland—

(*a*) for the references to the Minister there shall be substituted references to the Secretary of State;

(*b*) in subsection (2), for the reference to exchange there shall be substituted a reference to excambion.

Compulsory purchase by Corporation of land.

4.—(1) Where a housing society desires to acquire any land and has made an application to the local authority in whose area the land is situated, requesting them to acquire the land under Part V of the Act of 1957 for the purpose of selling it or leasing it to the society, then, if the authority have power to acquire the land under the said Part V and the Corporation are satisfied, after consultation with the authority, that the authority are unwilling to acquire the land for that purpose or that the footing on which they are willing to do so involves the sale or leasing of the land to the society subject to conditions which are unacceptable to the society, the Corporation may acquire the land compulsorily.

(2) The power of the Corporation to acquire the land compulsorily shall be exercisable in any particular case on their being authorised to do so by the Minister, and in relation to the compulsory purchase the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if the Corporation were a local authority within the meaning of that Act, as if this Act had been in force immediately before the commencement of that Act, and as if in Part I of Schedule 1 to that Act (procedure for authorising compulsory purchases) references to an owner of any land comprised in the compulsory purchase order included references to the local authority in whose area the land is situated.

(3) In the application of this section to Scotland—

(*a*) in subsection (1), for the reference to the Act of 1957 there shall be substituted a reference to the Act of 1950, and for the words " the Corporation may acquire the land compulsorily " there shall be substituted the words " the Corporation may request the Scottish Special Housing Association to acquire the land compulsorily as provided in section 99(2) of this Act ";

(*b*) subsection (2) shall not apply.

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Schemes for Corporation to provide housing accommodation in place of housing society.

5.—(1) If, in the case of any housing society, it appears to the Corporation—

(*a*) that the society is experiencing difficulty in providing housing accommodation on any land which it has acquired or in managing housing accommodation provided by it on any land, or is in any way failing to perform its functions as a housing society in relation to any land, and that accordingly it is undesirable for the land in question to remain in the hands of the society; and

(*b*) that there is no other housing society, whether in existence or about to be formed, to which the society's interest in the land in question can suitably be transferred; and

(*c*) that the land is capable of being, or continuing to be, used to provide housing accommodation for letting,

the Corporation may prepare and submit to the Minister a scheme for the Corporation to acquire the society's interest in the land and to undertake all such operations as may be required for the provision or continued provision on the land of housing accommodation for letting (including any operations which might have been carried out by a housing society in connection with the provision of the housing accommodation) and for the Corporation to retain the accommodation and keep it available for letting so long as the scheme has not been terminated in any manner provided for therein.

(2) Where a scheme under this section is submitted to the Minister by the Corporation, the Minister, on being satisfied of the undesirability of the land remaining in the hands of the society and of the lack of any housing society to which it can suitably be transferred, may, if he thinks fit, approve the scheme, and if he does so the Corporation shall have power to acquire for the purposes of the scheme the society's interest in the land and to carry through the provisions of the scheme.

(3) Where the Corporation propose to give to a housing society directions under section 2(3) of this Act requiring the society to transfer to the Corporation the society's interest in any land, the Minister shall not consent to the giving of the directions unless he at the same time approves, or has previously approved, a scheme under this section with respect to that land.

(4) Any scheme approved by the Minister under this section may be varied from time to time in accordance with proposals in that behalf made by the Corporation and approved by the Minister.

(5) In the application of this section to Scotland, for the references to the Minister there shall be substituted references to the Secretary of State.

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Disposal of land not required by housing societies.

6.—(1) The Corporation may dispose of any land which is not required for the purposes for which it was acquired, so, however, that if—

(*a*) the land was acquired compulsorily by the Corporation, or by a local authority who transferred the land to the Corporation, or

(*b*) the land is not disposed of for the best consideration it commands,

the Corporation shall not dispose of the land without the consent in writing of the Minister.

(2) The consent of the Minister shall not be required under paragraph (*b*) of the foregoing subsection to the disposal of land to be used as, or in connection with, a highway or a street not being a highway.

(3) In the application of this section to Scotland—

(*a*) for the references to the Minister there shall be substituted references to the Secretary of State;

(*b*) in subsection (2), the references to a highway shall include references to any public right of way.

Power of Corporation to provide advisory service.

7. The Corporation may provide an advisory service for the purpose of advising housing societies, housing associations which are not housing societies, and persons who are forming housing societies or are interested in the possibility of doing so, on legal, architectural and other technical matters, and may make charges for the service.

Building society advances to housing societies to which Corporation have made loans.

8.—(1) An advance to which this section applies is one made by a building society to a housing society on the security of any freehold or leasehold estate by means of a mortgage where—

(*a*) immediately before the execution of that mortgage, the Corporation have an interest in the same freehold or leasehold estate under a mortgage entered into by the housing society; and

(*b*) the security represented by the last-mentioned mortgage is, with the agreement of the Corporation, postponed to the building society's security under the first-mentioned mortgage.

(2) The following advances, that is to say—

(*a*) any advance to which this section applies, and

(*b*) any advance which, in accordance with section 21(7) of the Building Societies Act 1962, a building society is treated as having made by reason of a transfer—

(i) from one housing society to another, or

(ii) from a housing society to the Corporation, or

(iii) from the Corporation to a housing society,

of the mortgagor's interest under a mortgage securing an advance made by that building society,

shall not constitute special advances as defined by section 21 of the Building Societies Act 1962 and shall not be brought into account under section 22(2)(*b*) of that Act (under which the amount of the special advances which a building society may make depends on the amount lent by it to bodies corporate and to persons borrowing more than five thousand pounds or such higher amount as may be prescribed).

(3) Subject to this section a building society shall not in any financial year make advances to which this section applies of a total amount which exceeds fifteen per cent. of the total of the advances of all descriptions made by the building society in the last preceding financial year on the security of freehold or leasehold estate; and for the purpose of ascertaining that total the said section 21(7) of the Building Societies Act 1962 shall apply.

(4) The Chief Registrar may if he thinks fit grant to a building society permission in writing to make advances to which this section applies in excess of the limit imposed by the last foregoing subsection, but subject to such other limit under that subsection as may be specified in the permission for that purpose; and this section shall have effect accordingly.

(5) A building society shall have power to make an advance to which this section applies by means of a mortgage under which the same freehold or leasehold estate constitutes the security both for that advance and for advances made to the same housing society by one or more other persons by means of the same mortgage if, and only if, every other person making an advance by means of that mortgage is another building society and the mortgagees in the mortgage all covenant with each other not to transfer their interests as mortgagees to any person who is not a building society.

(6) At any time not more than three years after the coming into force of this Part of this Act the board of directors of a building society may by memorandum in writing alter the rules of the building society so as to enable the building society to make advances to which this section applies by means of mortgages of the kind described in the last foregoing subsection.

The power of altering rules conferred on the directors of a building society by this subsection shall cease to have effect at the expiration of the period of three years beginning with the coming into force of this section, and any alteration of a building society's rules under this subsection shall cease to have

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effect on the first subsequent occasion (whether before or after the expiration of the said period of three years) on which an alteration of the rules of the building society made under section 17 of the Building Societies Act 1962 takes effect.

(7) Where any alteration of the rules of a building society is effected under the last foregoing subsection, the building society shall send notice of the alteration to the Chief Registrar; and section 123(1) of the Building Societies Act 1962 (regulations as to form of notices) shall apply in relation to any such notice as it applies to notices sent to the Chief Registrar under that Act.

(8) If a building society does not comply with the requirements of subsection (3) of this section, the society shall be liable on conviction on indictment or on summary conviction to a fine which, on summary conviction, shall not exceed two hundred pounds; and every officer of the society who knowingly or wilfully authorises or permits the failure to comply shall be liable—

(*a*) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or to both, or

(*b*) on summary conviction, to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(9) If a building society fails to comply with subsection (7) of this section, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

(10) In this section "financial year" has the meaning given by section 128 of, and paragraph 11 of Schedule 8 to, the Building Societies Act 1962, but for the purposes of subsection (3) of this section if the year to which that subsection applies is shorter or longer than the last preceding financial year a corresponding reduction or increase shall be made in the figure of fifteen per cent. mentioned in that subsection; and if the year is the first year in which the building society has made any advances on the security of freehold or leasehold estate, no advances to housing societies shall be permitted under that subsection in that year.

(11) In this section the expressions "building society", "Chief Registrar", "director" and "officer" have the meanings given by section 129 of the Building Societies Act 1962.

(12) In the application of this section to Scotland—

(*a*) for the references to freehold or leasehold estate there shall be substituted references to an estate or interest in land;

(*b*) any reference to an advance on the security of freehold or leasehold estate, or to an advance by means of a mortgage, or other the like reference, shall be construed as a reference to an advance upon a heritable security.

Advances by Minister or Secretary of State to Corporation.

9.—(1) For the purpose of enabling the Corporation to exercise and perform their functions, the Minister and the Secretary of State respectively may, subject to the provisions of this section, make advances to the Corporation, and any such advances shall be repaid at such times and by such methods, and interest thereon shall be paid at such rates and at such times, as the Minister or the Secretary of State, as the case may be, may, with the approval of the Treasury, from time to time direct.

(2) Advances under this section shall not together exceed fifty million pounds or such greater sum, not exceeding one hundred million pounds, as the Minister and the Secretary of State acting jointly may from time to time by order made by statutory instrument specify; but no such order shall be made unless a draft of the order has been approved by a resolution of the Commons House of Parliament.

(3) The Treasury may issue to the Minister or to the Secretary of State out of the Consolidated Fund such sums as are necessary to enable him to make advances under subsection (1) of this section.

(4) For the purpose of providing the whole or part of any sums to be issued under the last foregoing subsection, or of providing for the replacement in whole or in part of any sum so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(5) Any sums received by the Minister or by the Secretary of State by way of repayment of or interest on advances under this section shall be paid into the Exchequer.

(6) The sums paid into the Exchequer under the last foregoing subsection shall be issued out of the Consolidated Fund at such times as the Treasury may direct and shall be applied by the Treasury as follows, that is to say—

(*a*) so much of those sums as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit; and

(*b*) so much of those sums as represents interest shall be applied towards meeting such part of the annual charges for the national debt as represents interest.

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Accounts, audit, annual report, etc.

10.—(1) The Corporation shall keep proper accounts and proper records in relation to the accounts and shall prepare in respect of each financial year annual accounts in such form as the Minister and the Secretary of State acting jointly may, with the approval of the Treasury, direct.

(2) The accounts of the Corporation for each financial year shall be audited by a qualified accountant appointed for the purpose by the Minister and the Secretary of State acting jointly.

(3) As soon as the annual accounts of the Corporation for any financial year have been audited, the Corporation shall send to the Minister and to the Secretary of State a copy of the accounts prepared by them for that year in accordance with this section, together with a copy of any report made by the auditor thereon.

(4) The Minister and the Secretary of State shall each prepare in respect of each financial year, in such form and manner as the Treasury may direct, an account of the sums issued to him out of the Consolidated Fund and advanced to the Corporation under this Act, and of sums received by him from the Corporation and paid into the Exchequer in respect of the principal of and interest on sums so advanced.

(5) On or before the 30th November in each year, the Minister and the Secretary of State shall each transmit to the Comptroller and Auditor General the accounts prepared by him under the last foregoing subsection in respect of the last foregoing financial year; and the Comptroller and Auditor General shall examine and certify the accounts prepared by the Minister and the Secretary of State respectively and lay before each House of Parliament copies of those accounts together with his report thereon.

(6) The Corporation shall, as soon as possible after the end of each financial year, make to the Minister and to the Secretary of State a report on the exercise and performance by them of their functions during that year, and shall—

(*a*) include in the report a copy of their audited accounts for that year, and

(*b*) set out in the report any directions given to the Corporation by the Minister and the Secretary of State or either of them during that year;

and the Minister and the Secretary of State shall lay a copy of every such report before each House of Parliament.

(7) In this section "financial year" means the period of twelve months ending with the 31st March, and "qualified accountant" means a person who is a member, or a firm all

of the partners wherein are members, of one or more of the following bodies, that is to say—

(*a*) the Institute of Chartered Accountants in England and Wales;

(*b*) the Institute of Chartered Accountants of Scotland;

(*c*) the Association of Certified and Corporate Accountants;

(*d*) the Institute of Chartered Accountants in Ireland;

(*e*) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(*a*) of the Companies Act 1948 by the Board of Trade.

Scottish Special Housing Association may act as agents for Corporation in Scotland.

11.—(1) The Corporation may, on such terms and conditions as may be agreed between them and the Scottish Special Housing Association, authorise the Association to act in Scotland as the agents of the Corporation for the purpose of carrying out any of the functions vested in the Corporation under section 3, section 5, section 6 or section 7 of this Act.

(2) Section 18(1) of the Act of 1962 (which confers power on the Secretary of State to make advances to the Scottish Special Housing Association for the provision of housing accommodation) shall have effect as if it conferred power on the Secretary of State to make advances under that subsection to the Association for the purpose of assisting them to act as the agents of the Corporation in pursuance of subsection (1) of this section.

Interpretation of Part I.

12.—(1) In this Part of this Act, unless the context otherwise requires—

"the Corporation" means the Housing Corporation established under this Part of this Act;

"functions" includes powers and duties;

"house" includes any part of a building which is occupied or intended to be occupied as a separate dwelling and, in relation to Scotland, has the meaning given by section 184(1) of the Act of 1950;

"housing association" has the meaning given by section 189(1) of the Act of 1957 or, in relation to Scotland, by section 184(1) of the Act of 1950;

"housing society" has the meaning given by section 1(7) of this Act;

"land" includes any interest in or right over land;

"local authority" means the council of a county borough, London borough or county district or the Common Council of the City of London, and in relation to Scotland means a local authority for the purposes of the Act of 1950.

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(2) In the case of land which is situated partly in the area of one local authority and partly in the area of another, references in this Part of this Act to the local authority in whose area the land is situated shall be construed as references to each of those local authorities.

PART II

COMPULSORY IMPROVEMENT OF DWELLINGS TO PROVIDE STANDARD AMENITIES

Improvement of dwellings: improvement areas

Declaration of improvement area.

13.—(1) If a local authority are satisfied that any area in their district contains dwellings lacking one or more of the standard amenities and that, of the dwellings in that area which are so lacking, at least one half—

(*a*) are so constructed that it is practicable to improve them to the full standard, and

(*b*) will, after they have been improved to the full standard, be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as dwellings for a period of not less than fifteen years,

the local authority may cause the area to be defined on a map and may pass a resolution declaring the area so defined to be an improvement area for the purposes of this Part of this Act.

(2) As soon as may be after the passing of a resolution under this section the local authority shall publish in one or more local newspapers circulating in the locality where the improvement area is situated a notice—

(*a*) stating that the area has been declared an improvement area, giving sufficient particulars to identify the limits of the area, and naming a place where a copy of the resolution and of the map defining the area may be seen at all reasonable hours, and

(*b*) setting out the effect of the provisions of this Part of this Act regarding the compulsory improvement of dwellings in an improvement area.

(3) It shall be the duty of every local authority to cause an inspection of their district to be made from time to time with a view to ascertaining whether there is any area in the district which ought to be declared to be an improvement area, and for that purpose it shall be the duty of each local authority, and of every officer of the local authority, to comply with such regulations and to keep such records as the Minister may prescribe.

(4) After the declaration of an improvement area under this section it shall be the duty of the local authority to take such action under this Part of this Act as appears to them appropriate as respects the dwellings in the improvement area.

(5) No account shall be taken under subsection (1) of this section of dwellings in any tenement block, and no improvement notice shall be served in respect of a dwelling in a tenement block under the following provisions of this Act relating to improvement areas.

(6) This section shall apply to Scotland subject to the following modifications:—

(*a*) in relation to the passing by a local authority of a resolution under subsection (1) of this section in respect of any area every dwelling in which is comprised in a tenement, that subsection shall have effect as if for the references to improvement to the full standard there were substituted references to improvement to the full or to the reduced standard;

(*b*) subsection (3) shall have effect as if the words from "and for that purpose" to the end were omitted;

(*c*) subsection (5) shall not apply, but no preliminary notice or improvement notice shall be served under sections 14 to 18 of this Act in respect of a dwelling comprised in a tenement.

Preliminary notice of local authority's proposals for improvement of dwelling.

14.—(1) At any time after publication of a notice of the declaration of an improvement area as required by subsection (2) of the last foregoing section the local authority, if satisfied that a dwelling in the improvement area—

(*a*) is for the time being occupied by a tenant, and

(*b*) is without one or more of the standard amenities but is capable of improvement at reasonable expense to the full standard or, if not, is capable of improvement at reasonable expense to the reduced standard, and

(*c*) after being so improved will be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as a dwelling for a period of not less than fifteen years,

may serve a notice (in this Part of this Act referred to as "a preliminary notice") on the person having control of the dwelling—

(i) specifying the works which in their opinion are required for the dwelling to be improved to the full standard or, as the case may be, to the reduced standard, with an estimate of the cost of carrying out those works, and

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(ii) stating the date (being a date not less than twenty-one days after service of the preliminary notice) and time and place at which the future use of the dwelling, the local authority's proposals for the carrying out of the works, any alternative proposals, and the views and interests of the tenant and any other matters may be discussed.

(2) The local authority shall, not less than twenty-one days before the date so stated in the preliminary notice, in addition to serving the notice on the person having control of the dwelling, serve a copy of the notice on the tenant and on every other person who, to the knowledge of the local authority, is an owner, lessee or mortgagee of the dwelling; and the person having control of the dwelling, and every owner, lessee or mortgagee of the dwelling shall be entitled to be heard when the local authority's proposals are discussed in accordance with the notice.

Improvement notices.

15.—(1) After the service of a preliminary notice, the local authority shall take into consideration all representations made on or before the occasion when their proposals with respect to the dwelling are discussed in accordance with the preliminary notice and, in particular, any representations with respect to the nature of the works proposed by the local authority for improving the dwelling.

(2) At any time after the occasion when the local authority's proposals are so discussed, but not more than two years (or such other period as may be prescribed) after the passing of the resolution declaring the area to be an improvement area, the local authority may, if satisfied that the dwelling still falls within paragraphs (*a*), (*b*) and (*c*) of subsection (1) of the last foregoing section, serve a notice (in this Part of this Act referred to as " an improvement notice ") on the person having control of the dwelling.

(3) In addition to serving the notice on the person having control of the dwelling, the local authority shall at the same time serve a copy of the notice on the tenant of the dwelling and on every other person who is to the knowledge of the local authority an owner, lessee or mortgagee of the dwelling.

(4) The improvement notice shall specify the works which in the opinion of the local authority are required to improve the dwelling to the full standard or, as the case may be, to the reduced standard.

(5) The works specified in the improvement notice may be different from the works specified in the preliminary notice but shall not require the improvement of a dwelling to the full

standard or, as the case may be, to the reduced standard if the preliminary notice provided for the improvement of the dwelling to the other of the two standards.

(6) As soon as may be after service of an improvement notice under this section, it shall be registered in the register of local land charges by the proper officer of the local authority in the prescribed manner.

The power conferred by section 15(6) of the Land Charges Act 1925 to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this subsection; and in this subsection " prescribed " means prescribed by rules made in the exercise of that power.

(7) Subsection (6) of this section shall not apply to Scotland, but as soon as practicable after service of an improvement notice under this section in Scotland the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that the said notice has been served as aforesaid.

Immediate improvement notices.

16.—(1) If when the improvement notice is served on the person having control of the dwelling the local authority have received from the person who is then the tenant occupying the dwelling his consent to the improvement of the dwelling to the standard provided in the preliminary notice, the local authority shall in the improvement notice require the person having control of the dwelling to carry out the works specified in the improvement notice within twelve months (or such other period as may be prescribed) from the date when the improvement notice becomes operative or such longer period as the local authority by permission given in writing may from time to time allow.

(2) The tenant's consent must be in writing, signed by him, and shall be irrevocable.

(3) An improvement notice to which this section applies is referred to in this Part of this Act as " an immediate improvement notice ".

Suspended improvement notices.

17.—(1) If the last foregoing section does not apply, the improvement notice shall be in the form prescribed by this section and is referred to in this Part of this Act as " a suspended improvement notice ".

(2) A suspended improvement notice shall refer to the provisions of this section, and shall indicate that in the circumstances specified in this and the next following section the local authority propose to exercise the powers conferred on them by

PART II this Part of this Act with a view to requiring the person having control of the dwelling to carry out the works specified in the suspended improvement notice.

(3) If at any time after the service of a suspended improvement notice on the person having control of the dwelling—

(*a*) the local authority are satisfied that there has been a change in the occupation of the dwelling since the suspended improvement notice was so served, or

(*b*) the local authority have received from a person who at that time is occupying the dwelling as a tenant his consent to the improvement of the dwelling to the standard required in the suspended improvement notice,

and the local authority are satisfied that the dwelling—

(i) is still without one or more of the standard amenities but is capable of improvement at reasonable expense to the standard required in the suspended improvement notice, and

(ii) after being so improved will be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as a dwelling for a period of not less than fifteen years,

the local authority shall serve on the person having control of the dwelling a copy of the suspended improvement notice together with a further notice (in this Part of this Act referred to as a " final improvement notice ") requiring the person having control of the dwelling to carry out the works specified in the suspended improvement notice within twelve months (or such other period as may be prescribed) from the date when the final improvement notice becomes operative or within such longer period as the local authority may by permission given in writing from time to time allow.

The tenant's consent given for the purposes of this subsection must be in writing, signed by him, and shall be irrevocable.

(4) In addition to serving the final improvement notice on the person having control of the dwelling, the local authority shall at the same time serve a copy of the suspended improvement notice and of the final improvement notice on the occupier of the dwelling and on every other person who is to the knowledge of the local authority an owner, lessee or mortgagee of the dwelling.

(5) If at any time after the service of a suspended improvement notice on the person having control of a dwelling, but before the service of a final improvement notice in respect of

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that dwelling, and before the expiration of a period of five years from the declaration of the area as an improvement area, there is a change in the occupation of the dwelling it shall be the duty of the person who is for the time being the person having control of the dwelling to inform the local authority by notice in writing of that fact and of the time when it occurred.

(6) If the local authority have not received a notice required under the last foregoing subsection within six weeks from the time when the change took place, any person who was within the meaning of this Act a person having control of the dwelling when the change took place and who knowingly failed to comply with that requirement shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds; and notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 or section 23 of the Summary Jurisdiction (Scotland) Act 1954 (time limit for proceedings) proceedings for the offence may be brought at any time within six months from the date when evidence of the offence came to the knowledge of the local authority or within three years from the commission of the offence, whichever is the earlier.

A certificate stating the date when evidence of an offence under this section came to the knowledge of the local authority, and purporting to be signed by an officer of the local authority, shall be sufficient evidence of the facts stated in the certificate in any proceedings for an offence under this section.

(7) Where an offence punishable under the last foregoing subsection which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(8) The local authority shall withdraw a suspended improvement notice—

(*a*) if at any time before service of the final improvement notice they consider that the dwelling no longer falls within paragraph (i) or paragraph (ii) of subsection (3) of this section, or

(*b*) if they are satisfied that a tenant for the time being occupying the dwelling has become an owner of the dwelling, or that on the coming to an end of the tenancy of a person who was occupying the dwelling,

PART II

a member of his family who was residing with him immediately before the end of the tenancy has become an owner of the dwelling.

The withdrawal shall be effected by serving notice of the withdrawal on the person having control of the dwelling, and the local authority shall serve a copy of the notice on the occupier of the dwelling (if different from the person having control of the dwelling) and on every other person who to the knowledge of the local authority is an owner, lessee or mortgagee of the dwelling.

(9) For the purposes of this section there is a change in the occupation of a dwelling when the person who was occupying the dwelling when the suspended improvement notice was served on the person having control of the dwelling ceases to occupy the dwelling, except that there is no change in the occupation of a dwelling occupied by a tenant if, on his ceasing to occupy the dwelling, it is occupied by a member of his family who was residing with him immediately before he ceased to occupy the dwelling.

(10) As soon as practicable after service of a withdrawal notice under subsection (8) of this section in Scotland the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that the said notice has been served as aforesaid.

Suspended improvement notices: effect after 5 years.

18.—(1) No obligation to serve a final improvement notice shall arise under the last foregoing section after the date when the period of five years from the declaration of the area as an improvement area expires, but in the period of six months (or such other period as may be prescribed) from that date the local authority may, subject to this section, proceed under that section to serve a final improvement notice irrespective of whether or not either of the conditions set out in paragraph (*a*) and paragraph (*b*) of subsection (3) of that section is fulfilled; and if, when that further period beginning from the said date expires, there is any suspended improvement notice in connection with which no final improvement notice has been served, that suspended improvement notice shall cease to have effect.

(2) If neither of those conditions is fulfilled, the local authority shall afford to the person, if any, who is occupying the dwelling as a tenant a reasonable opportunity of making an application in writing to the local authority before the time when they serve the final improvement notice with a request to the local authority to provide the tenant with suitable alternative accommodation: and if the tenant duly makes the application and the local authority proceed to serve a final improvement notice, it shall be the duty of the local authority to offer,

or arrange for some other authority or person to offer, suitable alternative accommodation to the tenant, so as to afford to the tenant a reasonable opportunity of taking up that alternative accommodation.

(3) Within six weeks of service of a copy of the final improvement notice on the tenant in accordance with subsection (4) of the last foregoing section, the tenant may appeal to the county court on the ground that the local authority have not complied with their obligations under the last foregoing subsection and on the appeal the court shall, if satisfied that the local authority have not complied with those obligations, order that the final improvement notice shall not become operative unless, within twelve months (or such other period as may be prescribed) from the hearing of the appeal, the local authority satisfy the court that they have complied with those obligations.

If the local authority have not so satisfied the court, they shall at the end of that period from the hearing of the appeal withdraw the improvement notice and the withdrawal shall be effected by serving notice of the withdrawal on the person having control of the dwelling, and the local authority shall serve a copy of the notice on the occupier of the dwelling and on every person who, to the knowledge of the local authority, is an owner, lessee or mortgagee of the dwelling.

(4) If an appeal is brought under the last foregoing subsection it shall be the duty of the local authority, when served with notice of the appeal, to inform the person having control of the dwelling, and every other person who, to the knowledge of the local authority, is an owner, lessee or mortgagee of the dwelling, of the bringing of the appeal and to draw their attention to the provisions of the last foregoing subsection and the effect which it may have on the improvement notice.

(5) As soon as practicable after service of a withdrawal notice under subsection (3) of this section in Scotland the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that the said notice has been served as aforesaid.

Improvement of dwellings outside improvement areas

Dwellings outside improvement areas.

19.—(1) A tenant occupying a dwelling which is not in an improvement area and is not in a tenement block, and which is without one or more of the standard amenities, may make representations in writing to the local authority with a view to the exercise by the local authority of their powers under this section.

(2) The local authority shall notify the person having control of the dwelling of any representations so made.

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(3) If on taking the representations into consideration the local authority are satisfied—

(*a*) that the person making representations with a view to the exercise by the local authority of their powers under this section is a tenant who is occupying the dwelling, and

(*b*) that the dwelling is capable of improvement at reasonable expense to the full standard or, if not, is capable of improvement at reasonable expense to the reduced standard, and

(*c*) that, having regard to all the circumstances, the dwelling ought to be improved to the full standard or, as the case may be, to the reduced standard, and that it is unlikely that it will be so improved unless the local authority exercise their powers under this section, and

(*d*) that the dwelling after being so improved will be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as a dwelling for a period of not less than fifteen years,

the local authority may serve a preliminary notice (that is to say a notice containing the particulars to be contained in a preliminary notice under paragraphs (i) and (ii) of section 14(1) of this Act) on the person having control of the dwelling, and shall serve a copy of any preliminary notice so served on the tenant and on every other person who is to the knowledge of the local authority an owner, lessee or mortgagee of the dwelling; and the person having control of the dwelling, and every owner, lessee or mortgagee of the dwelling, shall be entitled to be heard when the local authority's proposals are discussed in accordance with the notice.

If the local authority decide not to serve a preliminary notice under this subsection they shall notify the tenant of the dwelling of their decision and, if the tenant so requests, shall give him a written statement setting out their reasons for making their decision.

(4) After the service of a preliminary notice, the local authority shall take into consideration all representations made on or before the occasion when their proposals with respect to the dwelling are discussed in accordance with the preliminary notice and, in particular, any representations with respect to the nature of the works proposed by the local authority for improving the dwelling; and at any time after the occasion when the local authority's proposals are so discussed, but not more than two years (or such other period as may be prescribed) after the date when the representations in writing made under subsection (1) of this section were received by them, the local

authority may, if satisfied that the dwelling still falls within paragraphs (*b*), (*c*) and (*d*) of subsection (3) of this section, serve a notice (in this Part of this Act referred to as " an immediate improvement notice ") on the person having control of the dwelling.

(5) The immediate improvement notice shall require the person having control of the dwelling to carry out the works specified in the improvement notice within twelve months (or such other period as may be prescribed) from the date when the improvement notice becomes operative or such longer period as the local authority by permission given in writing may from time to time allow, and—

(*a*) the notice shall specify the works which in the opinion of the local authority are required to improve the dwelling to the full standard or, as the case may be, to the reduced standard,

(*b*) the works specified in the notice may be different from the works specified in the preliminary notice, and the notice may require the improvement of the dwelling to the full standard or, as the case may be, to the reduced standard notwithstanding that the preliminary notice provided for the improvement of the dwelling to the other of the two standards, and

(*c*) if the works are to a lower standard than full improvement, the improvement notice may, at the discretion of the local authority, specify a period shorter than twelve months.

(6) In addition to serving the immediate improvement notice on the person having control of the dwelling, the local authority shall at the same time serve a copy of the notice on the tenant of the dwelling and on every other person who is to the knowledge of the local authority an owner, lessee or mortgagee of the dwelling.

(7) The power of serving a preliminary notice under this section, and of taking any further steps authorised under this Part of this Act, may be exercised by the local authority notwithstanding that the tenant who made representations under this section quits the dwelling and notwithstanding that after the tenant has made those representations the local authority pass a resolution declaring an area which comprises the dwelling to be an improvement area.

(8) As soon as may be after service of an immediate improvement notice under this section, it shall be registered in the register of local land charges by the proper officer of the local authority in the prescribed manner.

The power conferred by section 15(6) of the Land Charges Act 1925 to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the pro-

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visions of this subsection; and in this subsection "prescribed" means prescribed by rules made in the exercise of that power.

(9) In the application of this section to Scotland—

(*a*) in subsection (1), the words "and is not in a tenement block" shall be omitted;

(*b*) subsection (8) shall not apply, but as soon as practicable after service of an immediate improvement notice under this section the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that such notice has been served as aforesaid.

Tenement blocks in England and Wales

Tenement blocks in England and Wales.

20.—(1) If as respects a tenement block in England and Wales, whether in an improvement area or not, the local authority are satisfied—

(*a*) that all or any of the dwellings in the tenement block are without one or more of the standard amenities, and

(*b*) that those dwellings are capable of improvement at reasonable expense to the full standard or, if not, to the reduced standard, and

(*c*) that those dwellings after being so improved will be in such condition as to be fit for human habitation and will be likely, subject to normal maintenance, to remain in that condition and available for use as living accommodation for a period of not less than fifteen years,

they may at any time serve a notice (in this Part of this Act referred to as "a preliminary notice") on the person having control of the tenement block—

(i) specifying the works which in the opinion of the local authority are required so as to improve the dwellings in the tenement block to the full standard or, so far as in the opinion of the local authority the dwellings are not capable of improvement at reasonable expense to the full standard, to the reduced standard, with an estimate of the cost of carrying out those works, and

(ii) stating the date (being a date not less than twenty-one days after service of the notice) and time and place at which the local authority's proposals for the carrying out of the works, any alternative proposals, and the views and interests of the tenants and any other matters may be discussed.

(2) The local authority shall, not less than twenty-one days before the date so stated in the preliminary notice, in addition to serving the notice on the person having control of the tenement block, serve a copy of the notice on the occupier of each of the

dwellings in the tenement block and on every other person who, to the knowledge of the local authority, is an owner, lessee or mortgagee of the premises; and the person having control of the premises and every owner, lessee or mortgagee of the premises shall be entitled to be heard when the local authority's proposals are discussed in accordance with the notice.

(3) Where in the opinion of the local authority any two or more dwellings in the tenement block, although not capable of improvement at reasonable expense to the full standard so as to include in each a bathroom containing a fixed bath or shower, can be provided for the exclusive use of the occupants of the dwellings with a number of such bathrooms which is not less than half the number of those dwellings, the works specified in the notice may include works for the provision of such bathrooms to that number for the exclusive use of the occupants of those dwellings.

(4) It shall be the duty of every local authority to cause an inspection of their district to be made with a view to ascertaining whether there are any premises in their district which ought to be dealt with under this section, and for that purpose it shall be the duty of each local authority, and of every officer of the local authority, to comply with such regulations and to keep such records as the Minister may prescribe.

Immediate improvement notices as respects tenement blocks.

21.—(1) After the service of a preliminary notice under the last foregoing section, the local authority shall take into consideration all representations made on or before the occasion when their proposals with respect to the tenement block are discussed in accordance with the preliminary notice and, in particular, any representations with respect to the nature of the works proposed by the local authority for improving the tenement block.

(2) At any time after the occasion when the local authority's proposals are so discussed, but not more than two years (or such other period as may be prescribed) after the service of the preliminary notice on the person having control of the tenement block, the local authority may, if satisfied that the premises still fall within paragraphs (*a*), (*b*) and (*c*) of subsection (1) of the last foregoing section, serve a notice (in this Part of this Act referred to as "an immediate improvement notice") on the person having control of the tenement block requiring that person to carry out the works specified in the notice within twelve months (or such other period as may be prescribed) from the date when the notice becomes operative or within such longer period as the local authority may by permission given in writing from time to time allow.

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(3) In addition to serving the notice on the person having control of the tenement block, the local authority shall at the same time serve a copy of the notice on the person occupying each dwelling in the tenement block and on every other person who is to the knowledge of the local authority an owner, lessee or mortgagee of the tenement block.

(4) The immediate improvement notice shall specify the works which in the opinion of the local authority are required to improve the dwellings in the tenement block to the full standard or, so far as in the opinion of the local authority the dwellings are not capable of improvement at reasonable expense to the full standard, for improvement to the standard permitted under subsection (3) of the last foregoing section or to the reduced standard.

(5) The works specified in the immediate improvement notice may be different from the works specified in the preliminary notice but shall not require the improvement of any dwelling to the full standard unless the preliminary notice provided for the improvement of that dwelling to the full standard.

(6) As soon as may be after service of an immediate improvement notice under this section, it shall be registered in the register of local land charges by the proper officer of the local authority in the prescribed manner.

The power conferred by section 15(6) of the Land Charges Act 1925 to make rules giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this subsection; and in this subsection "prescribed" means prescribed by rules made in the exercise of that power.

Tenements in improvement areas in Scotland

Immediate improvement notices in respect of dwellings in tenements in improvement areas in Scotland.

22.—(1) At any time within two years (or such other period as may be prescribed) after the passing by a local authority in Scotland of a resolution declaring an area in their district to be an improvement area such authority may, if they are satisfied that any of the dwellings comprised in a tenement in that area—

(*a*) is without one or more of the standard amenities but is capable of improvement at reasonable expense to the full standard or, if not, is capable of improvement at reasonable expense to the reduced standard, and

(*b*) after being so improved will be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as a dwelling for a period of not less than fifteen years,

serve a notice (in this Part of this Act referred to as "an immediate improvement notice") on the person having control of the dwelling.

(2) In addition to serving the immediate improvement notice on the person having control of the dwelling, the local authority shall at the same time serve a copy of the notice on every other person who to the knowledge of the authority is an owner of the dwelling and on the tenant (if any) of the dwelling.

(3) The immediate improvement notice shall specify the works which in the opinion of the local authority are required to improve the dwelling to the full standard or, as the case may be, to the reduced standard and the period, being twelve months (or such other period as may be prescribed) from the date when the immediate improvement notice becomes operative or such longer period as the local authority by permission given in writing may from time to time allow, within which the works are to be carried out.

(4) If at any time after the service of an immediate improvement notice under this section the local authority consider that the dwelling no longer falls within paragraph (*a*) or paragraph (*b*) of subsection (1) of this section, they shall withdraw the said notice.

The withdrawal shall be effected by serving notice of the withdrawal on the person having control of the dwelling, and the local authority shall at the same time serve a copy of the notice on every other person who to the knowledge of the authority is an owner of the dwelling and on the tenant (if any) of the dwelling.

(5) As soon as practicable after service of an immediate improvement notice or a withdrawal notice under this section the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that such notice has been served as aforesaid.

Local authorities may acquire dwellings, etc., in tenements in improvement areas in Scotland.

23.—(1) Subject to the provisions of this section, at any time after the passing by a local authority in Scotland of a resolution declaring an area in their district to be an improvement area such authority may, if they are satisfied that any of the dwellings comprised in a tenement in that area falls within paragraph (*a*) and paragraph (*b*) of section 22(1) of this Act, and whether or not they have served an immediate improvement notice in respect of the dwelling under the said section 22, acquire—

(*a*) the dwelling, if in the opinion of the authority it is unlikely that it will be improved to the full or, as the case may be, to the reduced standard unless it is acquired by them;

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(*b*) any other part of the tenement in which the dwelling is comprised, if—

(i) the authority in satisfying themselves that the dwelling falls within the said paragraph (*a*) have formed the opinion that it is capable of improvement at reasonable expense to the full or, as the case may be, to the reduced standard only if the said part is used or made available, wholly or partly, for the purposes of such improvement, and

(ii) in the opinion of the authority it is unlikely that the said part will be used or made available as aforesaid unless it is acquired by them.

In this subsection the references to a part of a tenement include references to any yard, garden, outhouses, pertinents or rights pertaining to any estate or interest in the tenement or any part thereof or usually enjoyed along with that estate or interest.

(2) The provisions of sections 63 to 65 of the Act of 1950 (which relate to the acquisition by a local authority of land for the purposes of Part V of that Act and to the powers of a local authority in dealing with land so acquired) shall apply in relation to the acquisition of land under the foregoing subsection and to land acquired under that subsection as if such acquisition were for the purposes of the said Part V:

Provided that a compulsory purchase order shall not be made by a local authority by virtue of section 64 of the Act of 1950 as applied by this subsection after the expiry of two years (or such other period as may be prescribed) from the passing by the authority of the resolution declaring the area in which the land proposed to be acquired is situated to be an improvement area.

(3) This section shall be included among the enactments to which section 22 of the Scottish Act of 1957 (which provides a special procedure for completion of compulsory acquisition of land under certain enactments) applies; and accordingly subsection (1) of that section shall have effect as if after the words "Housing (Scotland) Act 1962" there were inserted the words "or section 23 of the Housing Act 1964".

(4) Where a local authority acquire a dwelling under paragraph (*a*) of subsection (1) of this section, they shall execute, or secure the execution of, such works on that dwelling as are necessary to improve the dwelling to the full or, as the case may be, to the reduced standard; and a local authority shall secure that, so far as is necessary, any subjects acquired by them under paragraph (*b*) of the said subsection are used or made available for the improvement of the dwelling in connection with the improvement of which they were acquired.

(5) The power conferred on a local authority by section 131(1) of the Act of 1950 to pay certain allowances to persons displaced in consequence of the exercise of certain powers shall include power to pay allowances to any person displaced from a house or building which, or a part of which, has been acquired by a local authority under this section; and accordingly in the said section 131(1) after paragraph (*e*) there shall be inserted the following paragraph—

" , or

(*f*) which, or a part of which, has been acquired by the local authority under section 23 of the Housing Act 1964 ".

Acceptance of undertakings

Acceptance of undertakings to carry out works.

24.—(1) The local authority may at any time before an improvement notice has been served under this Part of this Act in respect of a dwelling which is without one or more of the standard amenities accept from the person having control of the dwelling, or from any other person having an estate or interest in the dwelling, an undertaking in writing to improve the dwelling to the full standard or, if in the opinion of the local authority it is not capable of improvement at reasonable expense to the full standard, to the reduced standard.

(2) The undertaking shall specify the works agreed to be carried out, and the period within which they are to be carried out.

(3) If the local authority have accepted an undertaking under this section as respects a dwelling they shall not serve an improvement notice under this Part of this Act as respects that dwelling—

(*a*) unless any of the works specified in that undertaking are not carried out within the period so specified, or within such longer period as the local authority may by permission in writing have allowed, or

(*b*) unless the local authority are satisfied that, owing to a change of circumstances since the undertaking was accepted by them, the undertaking is unlikely to be fulfilled.

(4) An improvement notice as respects a dwelling in relation to which the local authority have accepted an undertaking under this section may, notwithstanding the limitation in section 15(2), section 19(4), section 21(2) or section 22(1) of this Act, be served at any time within two years (or such other period as may be prescribed) from the end of the period specified in the undertaking or, if the local authority have allowed a longer period, from the end of that longer period.

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(5) Before accepting an undertaking under this section, the local authority shall satisfy themselves that the person giving the undertaking has a right to carry out the works specified in the undertaking as against all other persons interested in the dwelling, except so far as, under subsection (1) or subsection (2) of section 39 of this Act, he may be enabled to carry out those works without the requisite consent; and if the dwelling is for the time being occupied by a tenant there must be incorporated in the undertaking the tenant's written consent, signed by him, to the carrying out of the works specified in the undertaking.

(6) The local authority shall discharge an undertaking if at any time they consider that the dwelling no longer falls within paragraph (*b*) or paragraph (*c*) of section 14(1) of this Act (or the corresponding provision of section 19 of this Act), and may discharge an undertaking under this section in any other case.

The discharge of the undertaking shall be effected by serving notice of the discharge on the person who gave the undertaking, and the local authority shall serve a copy of the notice on the occupier of the dwelling (if different from that person) and on every other person who, to the knowledge of the local authority is an owner, lessee or mortgagee of the dwelling.

(7) This section shall apply in relation to a tenement block in England and Wales as it applies in relation to a dwelling but as if the reference in subsection (6) of this section to section 19 of this Act included a reference to section 20 of this Act, and subject to any other necessary modifications.

Acceptance of undertakings to carry out works on dwellings in certain tenements in Scotland.

25.—(1) Where an immediate improvement notice has been served under section 22 of this Act in respect of any dwelling comprised in a tenement in Scotland, the person having control of the dwelling or any person on whom a copy of the said notice has been served under subsection (2) of the said section may give to the local authority, within a period of twenty-one days from the date of service of the notice or such longer period therefrom as the authority may, either during or after the expiry of the twenty-one days, determine to be appropriate, an undertaking in writing that he will within such period as may be specified in the undertaking carry out such works for the improvement of the dwelling as may be so specified, and if an undertaking is given as aforesaid the authority shall as soon as may be either—

(*a*) accept the undertaking and make an order (in this Part of this Act referred to as a "suspension order") suspending the notice and any other immediate improvement notice which in the opinion of the authority ought to be suspended in consequence of their acceptance of the undertaking; or

(*b*) reject the undertaking and serve on the person who gave the undertaking notice that they have done so. PART II

(2) A local authority shall not accept an undertaking given under this section if—

(*a*) the undertaking proposes improvement of the dwelling to the reduced standard and, in the opinion of the local authority, the dwelling is capable of improvement at reasonable expense to the full standard, or

(*b*) the fulfilment of the undertaking will render necessary the rehousing of any of the occupants of dwellings in the tenement, unless the local authority are satisfied that suitable alternative accommodation is available or can be provided for any occupant who will require to be rehoused.

(3) Before accepting an undertaking under this section, the local authority shall satisfy themselves that the person giving the undertaking has a right to carry out the works specified in the undertaking as against all other persons interested in the dwelling except so far as, under subsection (1) or subsection (2) of section 39 of this Act, he may be enabled to carry out those works without the requisite consent.

(4) Where a local authority have accepted an undertaking under this section, then if within the period specified in the undertaking, or such longer period as the local authority may by permission in writing have allowed, and before all the works so specified are carried out, the local authority are satisfied that, owing to a change of circumstances since the undertaking was accepted by them, the undertaking is unlikely to be fulfilled, they shall revoke the relevant suspension order made by them under subsection (1)(*a*) of this section.

(5) If at any time after accepting an undertaking under this section, the local authority consider that the dwelling no longer falls within paragraph (*a*) or paragraph (*b*) of section 22(1) of this Act, they shall discharge the undertaking and withdraw the immediate improvement notice in connection with which the undertaking was given; and they may discharge an undertaking under this section in any other case and in that case shall withdraw the immediate improvement notice in connection with which the undertaking was given.

The discharge of the undertaking and withdrawal of the related immediate improvement notice shall be effected by serving notice of the discharge and withdrawal on the person who gave the undertaking and on the person having control of the dwelling, and the local authority shall at the same time serve a copy of the last-mentioned notice on every other person

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who to the knowledge of the authority is an owner of the dwelling and on the tenant (if any) of the dwelling.

(6) As soon as practicable after service of a notice under the last foregoing subsection the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that the said notice has been served as aforesaid.

General provisions as to improvement notices and undertakings

General provisions as to improvement notices.

26.—(1) Any improvement notice shall, if no appeal is brought against the improvement notice under the next following section, become operative on the expiration of six weeks from the date of the service of the improvement notice on the person having control of the dwelling or other premises; and any improvement notice against which an appeal is so brought shall, if and so far as it is confirmed by the county court, or on appeal from the county court, become operative on the final determination of the appeal.

(2) For the purposes of the foregoing subsection the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the improvement notice or decision appealed against.

(3) An improvement notice shall, subject to the right of appeal conferred by the next following section, be final and conclusive as to any matters which could be raised on any such appeal.

(4) Without prejudice to the provisions of this Part of this Act making it the duty of a local authority to withdraw an improvement notice in specified circumstances, the local authority may, if they think fit, at any time withdraw any improvement notice, including a final improvement notice served in connection with a suspended improvement notice.

The withdrawal shall be effected by serving notice of the withdrawal on the person having control of the dwelling or other premises, and the local authority shall serve a copy of the notice on the occupier of the dwelling (if different from the person having control of the dwelling) and on every person who, to the knowledge of the local authority, is an owner, lessee or mortgagee of the dwelling or other premises.

If the improvement notice relates to a tenement block a copy of the notice shall be served on the occupier of every dwelling in the tenement block.

(5) In the application of this section to Scotland—

(*a*) the words " or other premises ", wherever they occur, shall be omitted;

(*b*) in subsection (1), for the words from " and any " to the end there shall be substituted the words " and any improvement notice against which an appeal is so brought shall—

(i) if and so far as it is confirmed by the sheriff, become operative on the final determination of the appeal;

(ii) if, in the case of an immediate improvement notice served under section 22 of this Act, it is suspended by the sheriff under paragraph (*a*)(ii) of section 27(10) of this Act, it shall become operative on the suspension ceasing to have effect in terms of the said paragraph ";

(*c*) any period after the service of an immediate improvement notice under section 22 of this Act and while an undertaking given under section 25 of this Act is under consideration, and any period while a suspension order under paragraph (*a*) of subsection (1) of the said section 25 is in force, shall be left out of account in reckoning, in relation to the said immediate improvement notice, the period of six weeks referred to in subsection (1) of this section;

(*d*) in subsection (2), the words " or decision " shall be omitted;

(*e*) in subsection (4), the words from " If the improvement notice " to the end shall be omitted;

(*f*) as soon as practicable after service of a withdrawal notice under this section the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that the said notice has been served as aforesaid.

Appeal against improvement notice.

27.—(1) Within six weeks from the service on the person having control of the premises of an improvement notice, any such person or any other person having an estate or interest in the premises, other than a person whose only estate or interest is as a tenant occupying the premises, may appeal to the county court against the improvement notice.

(2) The grounds of the appeal may be all or any of the following, that is—

(*a*) that it is not practicable to comply with the requirements of the improvement notice at reasonable

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expense, regard being had to the estimated cost of the works and the value which it is estimated that the dwelling or other premises will have when the works are completed;

(*b*) that the local authority have refused unreasonably to approve the execution of alternative works, or that the works specified in the notice are otherwise unreasonable in character or extent;

(*c*) that the dwelling, or any of the dwellings in the premises, is not, or is no longer, without one or more of the standard amenities, or that the dwelling or other premises after being improved would not be in such condition as to be fit for human habitation, and likely, subject to normal maintenance, to remain in that condition and available for use as living accommodation for a period of not less than fifteen years;

(*d*) that some person other than the appellant will as the holder of an estate or interest in the dwelling or other premises, derive a benefit from the execution of the works and that that person ought to pay the whole or part of the cost of the execution of the works;

(*e*) that the improvement notice is invalid on the ground that any requirement of this Act has not been complied with or on the ground of some informality, defect or error in or in connection with the improvement notice.

(3) In so far as an appeal under this section is based on the ground that the improvement notice is invalid, the court shall confirm the improvement notice unless satisfied that the interests of the appellant have been substantially prejudiced by the facts relied on by him.

(4) No appeal shall be brought against a final improvement notice on any ground which is a ground on which an appeal was brought, or might have been brought, against the suspended improvement notice to which the final improvement notice relates except so far as that ground depends on an alteration in the dwelling or the building of which the dwelling forms part, or on some other change in circumstances, which has taken place since the service of the suspended improvement notice.

(5) On any appeal under this section the court may, subject to subsection (7) of this section, make such order either confirming or quashing or varying the improvement notice as the court thinks fit but not, in the case of an immediate improvement notice or a final improvement notice, so as to extend the period within which the works are to be carried out.

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(6) On any appeal under this section the court may, if the court thinks fit, accept from an appellant or any other party to the proceedings an undertaking to carry out the works specified in the improvement notice, or any such works as might have been so specified if the court exercised its jurisdiction to vary the improvement notice; and any undertaking accepted by the court shall have the same effect as if it had been given to and accepted by the local authority under this Part of this Act, and had not been given to the court.

(7) An improvement notice shall not be varied on an appeal under this section—

(*a*) so as to require the carrying out of works to improve a dwelling to the full standard if the works specified in the improvement notice appealed against were works to improve the dwelling to the reduced standard, or

(*b*) so as to require the carrying out of works to improve a dwelling to the reduced standard if the works specified in the improvement notice appealed against were works to improve the dwelling to the full standard.

(8) Where the grounds on which an appeal under this section is brought include the grounds specified in subsection (2)(*d*) of this section, the court may on the hearing of the appeal make such order as it thinks fit with respect to the payment to be made by that other person to the appellant or, where the works are carried out by the local authority, to the local authority.

(9) If an improvement notice is quashed by the county court, or on appeal from the county court, the court taking the decision may, if it thinks fit, and subject to compliance by the local authority with such terms and conditions as the court thinks fit to impose, extend the time within which, under section 15(2), section 19(4) or section 21(2) of this Act, as the case may be, the local authority may serve a further improvement notice in respect of the dwelling.

(10) This section shall apply to Scotland subject to the following modifications:—

(*a*) the persons who may appeal under subsection (1) against an immediate improvement notice served under section 22 of this Act in respect of any dwelling shall include a tenant occupying that dwelling, and subsections (2) to (9) shall not apply in relation to an appeal by such a tenant, but—

(i) such a tenant may appeal only on the ground that the carrying out of the works specified in the

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improvement notice will cause unreasonable hardship to him or to any member of his family residing with him, regard being had to the age, health and any infirmity of the tenant or any such member;

(ii) on such an appeal the sheriff may either confirm or suspend the improvement notice as he thinks fit, and any such suspension shall cease to have effect when there is a change in the occupation of the dwelling;

(iii) for the purposes of sub-paragraph (ii) of this paragraph there is a change in the occupation of a dwelling when the tenant who was occupying the dwelling when the improvement notice was suspended by the sheriff ceases to occupy the dwelling, except that there is no change in the occupation of the dwelling if, on the tenant ceasing to occupy the dwelling, it is occupied by a member of his family who was residing with him immediately before he ceased to occupy the dwelling;

(*b*) any period after the service of an immediate improvement notice under section 22 of this Act and while an undertaking given under section 25 of this Act is under consideration, and any period while a suspension order under paragraph (*a*) of subsection (1) of the said section 25 is in force, shall be left out of account in reckoning, in relation to the said immediate improvement notice, the period of six weeks referred to in subsection (1) of this section;

(*c*) in subsection (2), the words " or other premises ", wherever they occur, and the words " or any of the dwellings in the premises " shall be omitted;

(*d*) where in pursuance of subsection (6) of this section the sheriff accepts an undertaking to carry out works on a dwelling comprised in a tenement, being a dwelling in respect of which an immediate improvement notice has been served under section 22 of this Act, he shall direct the local authority to make an order (in this Part of this Act referred to as a " suspension order ") suspending the immediate improvement notice appealed against and any other immediate improvement notice which in the opinion of the sheriff ought to be suspended in consequence of his acceptance of the undertaking, and for the purposes of this Part of this Act a suspension order made by a local authority in compliance with a direction of the sheriff given under this paragraph shall be deemed to have been made by them under section 25(1)(*a*) of this Act;

(*e*) in subsection (9), the words "or on appeal from the county court" shall be omitted, and for the words "section 21(2)" there shall be substituted the words "section 22(1)";

(*f*) where an improvement notice is quashed on an appeal under this section the local authority shall as soon as practicable thereafter cause to be recorded in the General Register of Sasines a notice stating that the said notice has been quashed as aforesaid.

Enforcement of improvement notices and undertakings to carry out works.

28.—(1) If the works to be carried out in compliance with an immediate improvement notice or a final improvement notice (as read with the suspended improvement notice), or an undertaking accepted under this Part of this Act, have not been carried out in whole or in part within the period specified in the notice or undertaking, or within any further period which the local authority have by permission given in writing allowed, the local authority may themselves do the work which has not been completed.

(2) If before the expiration of the period mentioned in the foregoing subsection the person who is for the time being the person having control of the dwelling or who is bound by the undertaking notifies the local authority in writing that he does not intend or is unable to do the work in question, the local authority may, if they think fit, do the work before the expiration of the said period.

(3) Not less than twenty-one days before beginning to do the work, the local authority shall serve notice of their intention on the occupier of the dwelling, on the person having control of the dwelling and on every other person who is to the knowledge of the local authority an owner, lessee or mortgagee of the dwelling.

(4) This section shall apply in relation to an improvement notice or undertaking relating to a tenement block as if for the reference in subsection (3) to the occupier of the dwelling there were substituted a reference to the occupier of each dwelling in the tenement block and as if in subsections (2) and (3) references to the dwelling in any other context were references to the tenement block.

(5) Subsection (4) of this section shall not apply to Scotland.

Recovery of expenses incurred by local authority in England and Wales on default under improvement notice.

29.—(1) Any expenses reasonably incurred by the local authority under the last foregoing section in carrying out works (not being works to which that section applied as being works as respects which an undertaking was accepted under this Part of this Act) may, except so far as they are by any direction of the court on appeal recoverable under an order of the court, be recovered by them by action from the person on whom the improvement notice was served:

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Provided that if the person served with an improvement notice proves that he—

(*a*) was only properly served with the notice as being an agent or trustee for some other person, and

(*b*) does not have, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

(2) If the person served with an improvement notice was only properly served as being an agent or trustee for some other person, the said expenses may be recovered by the local authority under subsection (1) of this section either from him or from that other person, or as to part from him and as to the remainder from that other person.

(3) Expenses recoverable by the local authority under subsection (1) of this section shall carry interest at the rate, or the highest rate, for the time being fixed under section 10(6) of the Act of 1957.

A demand for the expenses so recoverable, together with interest so payable, shall be served on the person on whom the improvement notice was served, and interest shall be payable from the date when the demand is so served until payment.

(4) The amount of any expenses and interest thereon due to a local authority under this section shall, as from the date when the demand under subsection (3) of this section becomes operative, be a charge on the premises in respect of which the expenses were incurred, and on all estates and interests in those premises, and the local authority shall for the purpose of enforcing that charge have all the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

The power of appointing a receiver under this subsection shall be exercisable at any time after the expiration of one month from the date when the said demand becomes operative.

(5) On the date on which a local authority under subsection (3) of this section serve a demand for expenses incurred by them, they shall also serve a copy of the demand on any person who is to their knowledge an owner or lessee or mortgagee of the dwelling or other premises to which the improvement notice relates; and within twenty-one days from that date any person may appeal to the county court against the demand.

On the appeal no question may be raised which might have been raised on an appeal against the improvement notice (or, in the case of a final improvement notice, against the relevant suspended improvement notice).

(6) Any such demand shall, if no appeal is brought under the last foregoing subsection, become operative on the expiration of twenty-one days from the date of service of the demand ; and any such demand as respects which an appeal is so brought shall, if and so far as it is confirmed on appeal, become operative on the final determination of the appeal.

For the purposes of this subsection the withdrawal of an appeal shall be deemed to be a final determination thereof having the like effect as a decision confirming the demand appealed against.

(7) Any such demand shall, subject to the right of appeal conferred by subsection (5) of this section, be final and conclusive as to any matters which can be raised on such an appeal.

(8) This section shall not apply to Scotland.

Recovery of expenses incurred by local authority in England and Wales on default of person giving undertaking.

30.—(1) Any expenses reasonably incurred by the local authority under section 28 of this Act in carrying out works to which that section applied as being works as respects which an undertaking was accepted under this Part of this Act, together with interest from the date when a demand for the expenses is served until payment, may be recovered by them by action from the person who gave the undertaking.

(2) Interest under this section shall be at the rate, or the highest rate, for the time being fixed under section 10(6) of the Act of 1957.

(3) This section shall not apply to Scotland.

Recovery of expenses incurred by local authority in Scotland.

31.—(1) Subsections (3), (4) and (5) of section 8 of the Act of 1950 (which relate to the recovery by a local authority of expenses incurred by them in executing works on an insanitary house) shall, subject to any necessary modifications, apply for the purpose of enabling a local authority to recover any expenses reasonably incurred by them under section 28 of this Act in carrying out works in pursuance of that section as they apply for the purpose of enabling a local authority to recover the first-mentioned expenses, so, however, that the person from whom expenses incurred by a local authority in carrying out works in pursuance of the said section 28 may be recovered shall, in the case of works to which that section applied as being works as respects which an undertaking was accepted

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under this Part of this Act, be the person who gave the undertaking.

(2) Section 16 of the Act of 1950 (appeals) shall apply in relation to a demand by a local authority for the recovery of expenses incurred by them in carrying out works in pursuance of section 28 of this Act and in relation to an order made by a local authority with respect to any such expenses.

(3) This section shall not apply in relation to the recovery by a local authority of any expenses so far as such expenses are by any direction of the sheriff on appeal recoverable under an order of the sheriff.

Charging orders in favour of persons carrying out works in England and Wales.

32. Sections 14 and 15 of the Act of 1957 (charging orders in favour of owner executing works) shall apply as if any reference to works required to be executed by a notice under Part II of that Act included a reference to works required to be carried out by an immediate improvement notice or a final improvement notice.

Charging orders in Scotland.

33.—(1) Where any person has completed, in respect of any dwelling, any works required to be executed by an improvement notice or any works as respects which an undertaking was accepted under this Part of this Act, he may apply to the local authority for a charging order, and subsections (2) to (4) of section 20, and section 21, of the Act of 1950 shall, with any necessary modifications, apply in relation to any such application or order as they apply in relation to an application or order under the said section 20 and as if any reference in the said section 21 to Part II of the Act of 1950 included a reference to this Part of this Act.

(2) Where under section 28 of this Act a local authority have themselves incurred expenses in the execution of works, it shall be competent for them to make a charging order in favour of themselves in respect of such expenses, and subsections (2) to (4) of section 20, and section 21, of the Act of 1950 shall, with any necessary modifications, apply to a charging order so made in like manner as they apply to a charging order made under the said section 20 and as if any reference in the said section 21 to Part II of the Act of 1950 included a reference to this Part of this Act.

Relations between lessors and lessees

Adjustment of relations between lessors and lessees.

34.—(1) Where a person who incurs expenditure in complying with an improvement notice is a lessor of the premises to which the notice relates, he may apply to the county court for an increase of the rent payable under the lease (not

being controlled rent) and the court, after giving to the lessee and any sub-lessee an opportunity of being heard, and having regard to the amount of the expenditure, to any transfer of the burden of the expenditure from the lessor to any other person and to all the other circumstances, may, if the court thinks fit, make such an order for the variation of the lease by an increase of the rent payable under the lease as will in the opinion of the court afford an appropriate return in respect of the expenditure.

(2) This section shall not authorise the county court to increase the rent payable to the landlord in respect of an agricultural holding as defined in the Agricultural Holdings Act 1948.

(3) In this section " controlled rent " means rent which is subject to a limit imposed by the Rent Act 1957 or any other enactment.

(4) Subsection (2) of this section shall not apply to Scotland, but this section shall not authorise the sheriff to increase the rent payable to the landlord in respect of—

(*a*) an agricultural holding within the meaning of the Agricultural Holdings (Scotland) Act 1949, or

(*b*) a croft within the meaning of the Crofters (Scotland) Act 1955, or

(*c*) a holding within the meaning of the Small Landholders (Scotland) Acts 1886 to 1931.

Rent limit in Rent Act 1957 in England and Wales: increase for improvement under Part II.

35.—(1) In the case of an improvement effected in compliance with an immediate improvement notice or final improvement notice or an undertaking accepted under this Part of this Act, section 5 of the Rent Act 1957 (increase for improvements) shall have effect subject to the provisions of this section.

(2) If—

(*a*) the landlord, or a predecessor in title of the landlord, is the person who expended money on the improvement, and

(*b*) a standard grant under section 4 of the Act of 1959 in respect of the improvement, although obtainable, has not been obtained,

the said section 5(4) (under which, as amended by section 27 of the Act of 1959, the making of a standard grant reduces the increase of rent authorised by that section) shall apply as if that standard grant had been obtained.

(3) In any proceedings relating to the increase authorised by the said section 5 in respect of the improvement it shall be

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assumed, until the contrary is proved, that a standard grant was obtainable in respect of the improvement.

(4) The local authority shall, at the request in writing of the landlord or the tenant, give to him an estimate in writing of what the amount of the standard grant would have been if it had been obtained, and for the purposes of any such proceedings that estimate shall be sufficient evidence of what that amount would have been.

(5) Section 25 of the Rent Act 1957 shall apply for the interpretation of this section.

Increase in controlled rent in Scotland in respect of improvement under Part II.

36.—(1) In the case of an improvement effected in compliance with an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act, section 2(1)(*a*) of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 (increase for improvements) shall have effect subject to the provisions of this section.

(2) If a standard grant under section 19 of the Act of 1959 in respect of the improvement, although obtainable, has not been obtained, the said section 2(1)(*a*) (under which the amount of the permitted increase in rent in respect of expenditure incurred by the landlord on the improvement of a dwelling-house to which the said Act of 1920 applies is limited to an amount calculated at a rate per annum not exceeding twelve and one half per cent. of the amount so expended) shall apply as if for the reference therein to the amount expended on the improvement there were substituted a reference to that amount diminished by a sum equal to what the amount of the said standard grant would have been if it had been obtained.

(3) In any proceedings relating to the increase permitted by the said section 2(1)(*a*) in respect of the improvement it shall be assumed, until the contrary is proved, that a standard grant was obtainable in respect of the improvement.

(4) The local authority shall, at the request in writing of the landlord or the tenant, give to him an estimate in writing of what the amount of the standard grant would have been if it had been obtained, and for the purposes of any such proceedings that estimate shall be sufficient evidence of what that amount would have been.

(5) In this section "landlord" and "tenant" have the same meanings respectively as in the said Act of 1920.

Amendments of Agricultural Holdings Act 1948.

37.—(1) Section 9 of the Agricultural Holdings Act 1948 (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 an immediate improvement notice or final improvement notice or an undertaking accepted under this Part of this Act:

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 the said section 9 shall be reduced proportionately.

(2) Any works carried out in compliance with an immediate improvement notice or final improvement notice or an undertaking accepted under this Part of this Act shall be included among the improvements specified in paragraph 8 of Schedule 3 to the Agricultural Holdings Act 1948 (tenant's right to compensation for erection, alteration or enlargement of buildings), but subject to the power conferred by section 78 of that Act to amend the said Schedule 3; and section 49 of that Act (which makes that right to compensation conditional on the landlord consenting to the carrying out of the improvements) shall not apply to any works carried out in compliance with such a notice or undertaking.

(3) 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 or undertaking, compensation in respect of the works, as assessed under section 48 of the said Act of 1948, shall be reduced proportionately.

Adjustment of relations between lessors and lessees of agricultural holdings, etc., in Scotland.

38.—(1) Section 8 of the Agricultural Holdings (Scotland) Act 1949 (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 an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act:

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 the said section 8 shall be reduced proportionately.

(2) Any works carried out in compliance with an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act shall be included among the improvements specified in paragraph 18 of Schedule 1 to the Agricultural Holdings (Scotland) Act 1949 (tenant's right to compensation for erection, alteration or enlargement of buildings), but subject to the power conferred by section 79 of that Act to vary the said Schedule 1; and sections 51 and 52

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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 or undertaking:

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 or undertaking, compensation in respect of the works, as assessed under section 49 of the said Act of 1949, shall be reduced proportionately.

(3) Any works carried out in compliance with an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act shall—

(*a*) if carried out on a croft within the meaning of the Crofters (Scotland) Act 1955, 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 said Act of 1955 (crofter's right to compensation for improvements),

(*b*) if carried out on a holding within the meaning of the Small Landholders (Scotland) Acts 1886 to 1931, be permanent improvements on that holding and be deemed to be suitable to the holding for the purposes of section 8(*a*) of the Crofters Holdings (Scotland) Act 1886 (landholder's right to compensation for improvements),

and accordingly, after paragraph 1 of Schedule 5 to the said Act of 1955, and after paragraph 1 of the Schedule to the said Act of 1886 (both of which Schedules relate to permanent improvements), there shall be inserted the following paragraph—

"(1A) Works carried out in compliance with an immediate improvement notice or a final improvement notice served, or an undertaking accepted, under Part II of the Housing Act 1964".

Other supplemental provisions

Provisions as to carrying out of works.

39.—(1) The person having control of any premises—

(*a*) which consist of or comprise a dwelling in an improvement area which is without all or any of the standard amenities, or

(*b*) which consist of or comprise a dwelling in respect of which representations have been made by the tenant under section 19(1) of this Act, or

(*c*) which consist of a tenement block in respect of which a preliminary notice has been served,

shall, as against any other person having an estate or interest in the premises, have the right to enter the premises in order

to carry out any survey or examination required with a view to providing the dwelling or, as the case may be, any of the dwellings in the tenement block, with any of the standard amenities.

(2) After service of an immediate improvement notice or a final improvement notice in respect of any dwelling or tenement block, the person having control of the dwelling or, as the case may be, the tenement block shall have the right, as against any other person having an estate or interest in the premises, to take any reasonable steps for the purpose of complying with the improvement notice; and any person bound by an undertaking accepted under this Part of this Act shall have the right as against the occupier of the premises to which the undertaking relates to take any reasonable steps for the purpose of complying with the undertaking.

(3) Section 161 of the Act of 1957 (penalty for preventing execution of works) shall apply as if any reference in that section to Part II of that Act included a reference to this Part of this Act.

(4) Without prejudice to the provisions of subsection (2) of this section, the carrying out of works in pursuance of an improvement notice or an undertaking accepted under this Part of this Act shall not give rise to any liability on the part of a lessee to reinstate the premises at any time in the condition in which they were before the works were carried out, or to any liability for failure so to reinstate the premises.

(5) In the application of this section to Scotland—

(*a*) in subsections (1) and (2), the references to a tenement block shall be omitted;

(*b*) in subsection (3), for the reference to the Act of 1957 there shall be substituted a reference to the Act of 1950.

Further powers and duties of local authority.

40.—(1) Section 159 of the Act of 1957 (which confers powers of entry on local authorities for the purposes mentioned in that section) shall apply to entry for the purpose of survey and examination of any dwelling with a view to ascertaining whether the requirements of any improvement notice served, or undertaking accepted, under this Part of this Act have been complied with.

(2) A local authority may by agreement with a person having control of a dwelling or any other person having an estate or interest in a dwelling execute at his expense any work which

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that person is required to carry out in the dwelling in pursuance of an improvement notice or of an undertaking accepted under this Part of this Act, and for that purpose the local authority shall have all such rights as that person would have as against any other person having an interest in the dwelling.

(3) Where under this Part of this Act a local authority are required to serve a copy of a notice on any person who is to their knowledge an owner, lessee or mortgagee of any premises, any person having an estate or interest in those premises who is not served with a copy of the notice shall, on application in writing to the local authority, be entitled to obtain a copy of that notice.

(4) In the application of this section to Scotland, in subsection (1) for the reference to the Act of 1957 there shall be substituted a reference to the Act of 1950.

Exclusion of dwellings controlled by Crown or a public authority.

41.—(1) No preliminary notice or improvement notice shall be served in respect of any premises in which there is a Crown or Duchy interest except with the consent of the appropriate authority and, where a preliminary notice or improvement notice is served with the consent of the appropriate authority, this Part of this Act shall apply to the premises as it applies to premises in which there is no such interest.

(2) No preliminary notice or improvement notice shall be served in respect of any premises if the person having control of the premises is—

(*a*) a local authority,

(*b*) the Commission for the New Towns or a development corporation,

(*c*) a housing association satisfying one of the conditions set out in paragraphs (*a*), (*b*) and (*c*) of section 33(2) of the Housing Repairs and Rents Act 1954 (exclusion of certain lettings from Rent Acts) or, in Scotland, a housing association satisfying one of the conditions set out in paragraphs (*a*), (*b*) and (*c*) of section 25(2) of the Scottish Act of 1954 (exclusion of certain lettings from Rent Acts),

(*d*) a housing trust which is a charity within the meaning of the Charities Act 1960 or, in Scotland, a housing trust within the meaning of section 39(1) of the Scottish Act of 1954 which was in existence on 13th November 1953,

(*e*) the Scottish Special Housing Association,

(*f*) the Housing Corporation established under Part I of this Act, or

(*g*) an executive council constituted under section 32 of the National Health Service (Scotland) Act 1947,

and if after such a notice is served any such authority as is mentioned in paragraphs (*a*) to (*g*) above becomes the person having control of the premises, any such notice as respects the premises, and any undertaking accepted under this Part of this Act as respects the premises, shall cease to have effect.

(3) If, in consequence of the provisions of subsection (2) of this section, an improvement notice ceases to have effect it shall be the duty of the authority mentioned in paragraphs (*a*) to (*g*) of that subsection—

(*a*) where the notice related to a dwelling or other premises in England and Wales, to notify the officer who registered the notice or undertaking in the register of local land charges, and to furnish him with all information required by him for the purpose of cancelling the registration, and

(*b*) where the notice related to a dwelling in Scotland, to notify the local authority and to furnish them with all information required by them for the purpose of recording in the General Register of Sasines a notice stating that the improvement notice has ceased to have effect, and the local authority shall as soon as practicable after receiving such notification cause to be recorded in the General Register of Sasines a notice to the said effect.

(4) In this section "Crown or Duchy interest" means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, and "the appropriate authority"—

(*a*) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land;

(*b*) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;

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(*c*) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and

(*d*) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department;

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

(5) In this section "local authority" means—

(*a*) in relation to England and Wales, any authority being, within the meaning of the Local Loans Act 1875 an authority having power to levy a rate, and includes—

(i) any joint board or joint committee all the constituent members of which are such authorities as aforesaid, and

(ii) any police authority,

but does not include the Receiver for the Metropolitan Police District;

(*b*) in relation to Scotland, a local authority, joint board or joint committee as respectively defined by the Local Government (Scotland) Act 1947.

Exclusion of certain dwellings provided after 1944.

42. This Part of this Act shall not apply to a dwelling provided after the end of the year 1944, unless the dwelling was provided by the conversion before 3rd October 1961 or, in the case of a dwelling provided in Scotland, by the conversion before the end of the year 1958, of a building erected before the end of the year 1944.

Definition of standard amenities and related expressions.

43.—(1) Subject to this section, in this Part of this Act "the standard amenities", in relation to a dwelling, mean the following amenities provided for the exclusive use of the occupants of the dwelling, that is—

(*a*) a fixed bath or shower, which, subject to subsection (2) of this section, is to be in a bathroom;

(*b*) a wash-hand basin;

(*c*) a hot and cold water supply at a fixed bath or shower, which, if reasonably practicable, is to be in a bathroom;

(*d*) a hot and cold water supply at a wash-hand basin;

(*e*) a hot and cold water supply at a sink;

(*f*) a water closet; and

(*g*) satisfactory facilities for storing food.

(2) The fixed bath or shower mentioned in paragraph (*a*) above may, if it is not reasonably practicable for it to be provided in a bathroom, but it is reasonably practicable for it to be provided with a hot and cold water supply, be in a part of the dwelling which is not a bathroom or bedroom.

(3) The water closet mentioned in paragraph (*f*) above must, if reasonably practicable, be in, and readily accessible from, the dwelling or, if that is not reasonably practicable, in such a position in the curtilage of the dwelling, or where the dwelling is part of a larger building, in that building, as to be readily accessible from the dwelling.

(4) In relation to a dwelling which is without one or more of the standard amenities, references in this Part of this Act to the improvement of the dwelling to the full standard are references to the carrying out of works to provide the dwelling with those of the standard amenities which it does not have.

(5) In relation to a dwelling which is without one or more of the standard amenities listed in paragraphs (*e*), (*f*) and (*g*) of subsection (1) of this section, references in this Part of this Act to the improvement of the dwelling to the reduced standard are references to the carrying out of works to provide the dwelling with those of the said standard amenities listed in paragraphs (*e*), (*f*) and (*g*) of subsection (1) of this section which it does not have.

(6) In determining for the purposes of this Part of this Act whether a dwelling is capable of improvement at reasonable expense to the full standard, or to the reduced standard, regard shall be had to the estimated cost of the works which would be required to provide the dwelling with amenities to the full standard or to the reduced standard, as the case may be, and to the value which it is estimated that the dwelling (or the building of which the dwelling forms part) would have if those works were carried out.

(7) An order under section 4 or, in relation to Scotland, section 19 of the Act of 1959 varying the standard amenities for the purposes of that Act may also vary the provisions of this section and may contain such transitional and other supplemental provisions, including transitional provisions to take account of the provisions of this Part of this Act, as may appear to the Minister or, as the case may be, to the Secretary of State to be expedient.

PART II
Interpretation and construction of Part II.

44.—(1) In this Part of this Act, unless the context otherwise requires—

" dwelling " means a building or part of a building occupied or intended to be occupied as a separate dwelling;

" flat " means a separate set of premises, whether or not on the same floor, constructed for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally;

" improvement area " means an improvement area under section 13 of this Act;

" improvement notice " means a suspended improvement notice, an immediate improvement notice or a final improvement notice;

" local authority " means the council of a county borough, London borough or county district or the Common Council of the City of London, and in relation to Scotland means a local authority for the purposes of the Act of 1950; and, in relation to a dwelling or other premises, references to the local authority are references to the local authority in whose district the premises are situated;

" owner ", in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple, and in relation to Scotland has the meaning given by section 184(1) of the Act of 1950;

" the person having control "—

(*a*) in relation to any premises in England and Wales, means the person who receives any rent (including a rack-rent) payable by the tenant (as defined in this section) of the premises, whether on his own account or as agent or trustee for any other person, or who would so receive the rent if the premises were let at a rack-rent, and for the purposes of this definition " rack-rent " means rent which is not less than two-thirds of the full net annual value of the premises, and

(*b*) in relation to any premises in Scotland has the meaning given by section 7(3) of the Act of 1950;

" tenement " means a building which as constructed contained, and which contains, two or more flats;

" tenement block " means a building or a part of a building which was constructed in the form of, and consists of, two or more flats.

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(2) In this Part of this Act, unless the context otherwise requires, " tenant "—

(*a*) includes a sub-tenant and a tenant (as defined in section 12(1)(*g*) of the Rent and Mortgage Interest (Restrictions) Act 1920) who retains possession by virtue of the Rent Acts and not as being entitled to a tenancy, but does not include—

(i) in relation to England and Wales, a tenant holding under a lease granted for a term certain of more than twenty-one years at a rent of less than two-thirds of the full net annual value of the demised premises, or a mortgagee in possession,

(ii) in relation to Scotland, a tenant holding under a lease granted for a period of more than twenty-one 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(1) of the Agricultural Wages Act 1948, or in relation to Scotland, section 17 of the 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 Part of this Act to a tenant occupying a dwelling include, in the case of a tenant within paragraph (*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 Part of this Act, the employer or other person by whose authority the tenant occupies the dwelling.

(3) Sections 4 and 5 of the Act of 1957 or, in relation to Scotland, section 24 of the Act of 1962 and section 23 of the Act of 1950 shall apply for the determination for the purposes of this Part of this Act of any question whether any dwelling—

(*a*) is fit or unfit for human habitation, or

(*b*) will be likely, subject to normal maintenance, to remain fit for human habitation and available for use as a dwelling for a period of not less than fifteen years,

and in determining the question under paragraph (*b*) of this subsection the term " normal maintenance " shall include only such repairs as are reasonable having regard to the prospective life of the dwelling.

PART II

(4) This Part of this Act, in its application to England and Wales, shall be construed as one with the Act of 1957 and, in its application to Scotland, shall be construed as one with the Act of 1950.

PART III

ASSISTANCE FOR IMPROVEMENT OF DWELLINGS

Standard grants and Minister's contributions to local authorities for provision of standard amenities

Standard grants for provision of amenities below full standard.

45.—(1) An application may be made under section 4 of the Act of 1959 (grants for provision of standard amenities) proposing the carrying out of works which comprise the provision of part only of the standard amenities mentioned in that section notwithstanding that the dwelling is not already provided with all the remainder of those standard amenities if—

(*a*) the application contains a statement that it is not practicable at reasonable expense to provide the dwelling with all the standard amenities, and

(*b*) after the execution of the works the dwelling will be provided with at least the amenities comprised in the reduced standard as defined in section 43(5) of this Act,

and the application gives the facts on which the statement is based; and so much of section 4(3) of the Act of 1959 as requires a statement that the remaining amenities are already provided shall not apply.

(2) The local authority shall not approve the application unless they are satisfied as to the matters mentioned in paragraphs (*a*) and (*b*) of the foregoing subsection, and section 5(1) of the Act of 1959 (which requires the authority to approve an application in the circumstances there specified) shall have effect accordingly; and if the local authority are not satisfied as to the matters mentioned in paragraphs (*a*) and (*b*) of the foregoing subsection, and the applicant on being notified of their decision so requests, the local authority shall give to the applicant a written statement setting out their reasons for making their decision.

(3) In considering an application which states that it is not practicable at reasonable expense to provide the dwelling with all the standard amenities, the local authority shall have regard to the estimated cost of the works which would be required to provide the dwelling with all the standard amenities and the value which it is estimated that the dwelling (or the building of which the dwelling forms part) would have if works to provide the dwelling with all the standard amenities were carried out.

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(4) In the application of this section to Scotland, for the references to section 4, section 4(3) and section 5(1) of the Act of 1959 there shall be substituted respectively references to section 19, section 19(3) and section 20(1) of that Act.

Amount of standard grant.

46.—(1) The amount of a standard grant shall, subject to this section, be one half of the cost shown to have been incurred in executing the works in respect of which it is made.

(2) If any of the works are not exclusively for the purpose of providing one or more of the standard amenities, only so much of the cost of carrying out those works as is, in the opinion of the local authority, attributable to the provision of the standard amenity or standard amenities shall be taken into account under the foregoing subsection.

(3) Subject to this section, there shall be a limit on the amount of a standard grant determined in accordance with the following Table, and the limit shall depend on the number of items in the following Table which will be provided by the works and shall be the total of the amounts specified in column 2 of that Table for those items or £350, whichever is the less.

TABLE

List of amenities	*Amount allowed towards limit*
A fixed bath or shower in a bathroom or elsewhere.	£25 or, if the bathroom is being provided by the building of a new structure or the conversion of outbuildings attached to the dwelling (or to the building of which the dwelling forms part) and, before the time when the local authority approve the application, they have been satisfied that it is not reasonably practicable to provide the bathroom in any other way, such higher amount as the local authority shall fix at that time as being in their opinion one-half of the part of the cost to be reasonably incurred in executing the works, being the part of the cost attributable to the provision of the fixed bath or shower.
A wash-hand basin ...	£5
A hot and cold water supply at a fixed bath or shower.	£35
A hot and cold water supply at a wash-hand basin.	£15
A hot and cold water supply at a sink.	£25

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List of amenities	*Amount allowed towards limit*
A water closet	£40 or if the works comprise the installation of a septic tank and, before the time when the local authority approve the application, they have been satisfied that the connection of the water closet with main drainage is not possible or reasonably practicable, such higher amount as the local authority shall fix at that time as being in their opinion one-half of the part of the cost to be reasonably incurred in executing the works, being the part of the cost attributable to the provision of the water closet.
Facilities for storing food	£10
If the works comprise, in connection with all or any of the amenities provided, the bringing of a piped supply of cold water into the dwelling for the first time.	Such amount as the local authority shall fix at the time when they approve the application as being in their opinion one-half of the part of the cost to be reasonably incurred in executing the works, being the part of the cost attributable to the bringing of the piped supply into the dwelling.

(4) The local authority shall, when they approve the application, inform the applicant of any decision taken by them under the Table fixing a higher amount in respect of the cost attributable to the provision of a fixed bath or shower, or of a water closet, or fixing any amount in respect of the cost of bringing a piped supply of cold water into the dwelling.

(5) In determining the limit the amount specified for any item in the Table shall not be brought in more than once, and no account shall be taken of any amenity provided by the works if, at the time when the works were begun, the dwelling was provided with an amenity of that kind unless part of the cost incurred in executing the works is attributable to 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.

(6) References in this section to the cost incurred in executing or carrying out works shall include references to the cost of the employment in connection with the works of an architect, engineer, surveyor, land agent or other person in an advisory or supervisory capacity.

(7) The Minister may by order vary the provisions of subsections (3), (4) and (5) of this section in any respect.

An order under this subsection—

(*a*) may contain such transitional or other supplemental provisions as appear to the Minister to be expedient,

(*b*) may be varied or revoked by a subsequent order, and

(*c*) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(8) The provisions of this section shall have effect as respects any application made under section 4 of the Act of 1959 after the coming into force of this section, and in substitution for the provisions of section 6 of the Act of 1959.

(9) In the application of this section to Scotland—

(*a*) in subsection (6), for the words from " the cost of the employment " to the end there shall be substituted the words " fees payable to professional persons employed in connection with those works " ;

(*b*) in subsection (7), for the references to the Minister there shall be substituted references to the Secretary of State. and

(*c*) in subsection (8), for the references to section 4 and section 6 of the Act of 1959 there shall be substituted respectively references to section 19 and section 21 of that Act.

Standard grants for provision of amenities in accordance with Part II of Act.

47.—(1) This section shall apply as respects works to be carried out in compliance with an improvement notice served, or an undertaking accepted, under Part II of this Act.

(2) The form of an application under section 4 of the Act of 1959 as respects the works shall be such as the local authority may direct, and section 4(4) of the Act of 1959 (under which the applicant must state that he is the occupier or that the occupier has given his consent to the application) shall not apply to the application.

(3) If the works comprise the provision of a fixed bath or shower in a bathroom which is for the use of the occupants of more than one dwelling in a tenement block, the said section 4 shall apply in relation to the bathroom as if subsection (1) of that section did not require the standard amenities to be for the exclusive use of the occupants of a dwelling.

An order under the said section 4 may amend or repeal any of the provisions of this subsection.

(4) In the application of this section to Scotland—

(*a*) in subsection (2), for the references to section 4 and section 4(4) of the Act of 1959 there shall be substituted respectively references to section 19 and section 19(4) of that Act ;

(*b*) subsection (3) shall not apply.

PART III
Standard grants excluded for certain houses and other buildings in multiple occupation.

48.—(1) Section 4 of the Act of 1959 so far as it relates to applications made by virtue of section 45 of this Act shall not apply to an application made in respect of a dwelling which is or forms part of a house or building in respect of which the local authority are satisfied that they have power to serve a notice under section 15 of the Act of 1961 (which, as extended by section 21 of that Act, relates to the execution of works in houses and buildings in a state not suitable for multiple occupation).

(2) In the application of this section to Scotland, for the reference to section 4 of the Act of 1959 there shall be substituted a reference to section 19 of that Act.

Amendment of list of standard amenities.

49.—(1) For section 4(1)(*c*) of the Act of 1959 (which, as amended by section 30(2) of the Act of 1961, includes in the standard amenities a hot water supply at a bath or shower, a wash-hand basin and a sink) there shall be substituted the following paragraphs—

" (*c*) a hot and cold water supply at a fixed bath or shower which, if reasonably practicable, is to be in a bathroom ;

(*cc*) a hot and cold water supply at a wash-hand basin ;

(*ccc*) a hot and cold water supply at a sink ".

This subsection shall have effect as respects applications made under the said section 4 after the commencement of this Act.

(2) Subject to this section, the fixed bath or shower mentioned in section 4(1)(*a*) of the Act of 1959 may, if it is not reasonably practicable for it to be provided in a bathroom, but it is reasonably practicable for it to be provided with a hot and cold water supply, be in a part of the dwelling which is not a bathroom or bedroom.

(3) This section shall not have effect so as to require a local authority to accept an application under the said section 4 as respects works which include the provision of a fixed bath or shower in a part of a dwelling which is not a bathroom unless the works are to be carried out in compliance with an improvement notice served, or an undertaking accepted, under Part II of this Act.

(4) An order under the said section 4 may amend or repeal any of the provisions of this section.

(5) In the application of this section to Scotland, for the references to section 4, section 4(1)(*a*) and section 4(1)(*c*) of the Act of 1959 there shall be substituted respectively references to section 19, section 19(1)(*a*) and section 19(1)(*c*) of that Act, and for the reference to section 30(2) of the Act of 1961 there shall be substituted a reference to section 17(1) of the Act of 1962.

PART III
Minister's contributions to local authorities under s. 13 of Act of 1959.

50.—(1) An application may be made under section 13 of the Act of 1959 (contributions in respect of standard amenities provided by local authorities) proposing the carrying out of works which comprise the provision of part only of the standard amenities notwithstanding that the dwelling is not already provided with all the remainder of those standard amenities if—

(*a*) the application contains a statement that it is not practicable at reasonable expense to provide the dwelling with all the standard amenities, and

(*b*) after the execution of the works the dwelling will be provided with at least the amenities comprised in the reduced standard as defined in section 43(5) of this Act,

and the application gives the facts on which the statement is based; and so much of section 13(2) of the Act of 1959 as requires the application to state that the dwelling is already provided with the remaining amenities shall not apply.

(2) The Minister shall not approve the application unless satisfied as to the matters mentioned in paragraphs (*a*) and (*b*) of the foregoing subsection, and notwithstanding section 13(3) of the Act of 1959 (which requires the Minister to approve an application in the circumstances there specified) the Minister may approve or refuse the application as he thinks fit.

(3) In considering an application which states that it is not practicable at reasonable expense to provide the dwelling with all the standard amenities, the Minister shall have regard to the estimated cost of the works which would be required to provide the dwelling with all the standard amenities and the value which it is estimated that the dwelling (or the building of which the dwelling forms part) would have if works to provide the dwelling with all the standard amenities were carried out.

(4) This section shall not apply to Scotland.

Amount of Minister's contributions under s. 13 of Act of 1959.

51.—(1) A contribution under section 13 of the Act of 1959 shall be a sum payable annually for the twenty financial years beginning with the year in which the works in respect of which it is made are completed, equal to three-eighths of the annual loan charges referable to the amount specified in the following provisions of this section.

The said amount shall, subject to this section, be the cost shown to have been incurred in executing the works in respect of which the contribution is made.

(2) If any of the works are not exclusively for the purpose of providing one or more of the standard amenities, only so much of the cost of carrying out those works as is, in the opinion

PART III of the Minister, attributable to the provision of the standard amenity or standard amenities shall be taken into account under the foregoing subsection.

(3) Subject to this section, there shall be a limit on the amount of such a contribution determined in accordance with the following Table, and the limit shall depend on the number of items in the following Table which will be provided by the works and shall be the total of the amounts specified in column 2 of that Table for those items or £700, whichever is the less.

TABLE

List of amenities	*Amount allowed towards limit*
A fixed bath or shower in a bathroom or elsewhere.	£50 or, if the bathroom is being provided by the building of a new structure or the conversion of outbuildings attached to the dwelling (or to the building of which the dwelling forms part) and the Minister is satisfied that it is not reasonably practicable to provide the bathroom in any other way, such higher amount, not being more than the part of the cost of executing the works which is attributable to the provision of the fixed bath or shower, as the Minister may determine.
A wash-hand basin ...	£10
A hot and cold water supply at a fixed bath or shower.	£70
A hot and cold water supply at a wash-hand basin.	£30
A hot and cold water supply at a sink.	£50
A water closet	£80 or if the works comprise the installation of a septic tank and the Minister is satisfied that the connection of the water closet with main drainage is not possible or reasonably practicable, such higher amount, not being more than the part of the cost of executing the works which is attributable to the provision of the water closet, as the Minister may determine.
Facilities for storing food	£20
If the works comprise, in connection with all or any of the amenities provided, the bringing of a piped supply of cold water into the dwelling for the first time.	Such amount, if any, not being more than the part of the cost of executing the works which is attributable to the bringing of the piped supply into the dwelling, as the Minister may determine.

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(4) In determining the limit the amount specified for any item in the Table shall not be brought in more than once, and no account shall be taken of any amenity provided by the works if, at the time when the works were begun, the dwelling was provided with an amenity of that kind unless part of the cost incurred in executing the works is attributable to interference with or replacement of that amenity and the Minister is satisfied that it would not have been reasonably practicable to avoid the interference or replacement.

(5) References in this section to the cost incurred in executing or carrying out works shall, where the local authority employ a person who is not one of their officers as an architect, engineer, surveyor, land agent or other person in an advisory or supervisory capacity in connection with the works, include the cost of his employment for that purpose.

(6) The Minister may by order contained in a statutory instrument vary the provisions of subsections (3) and (4) of this section in any respect and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) The Minister may by order contained in a statutory instrument reduce, as respects applications approved after such date as may be specified in the order, the proportion of the said annual loan charges, but not below one-third.

An order under this subsection—

(*a*) shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament;

(*b*) shall not specify a date earlier than the date of the laying of the draft;

and before laying such a draft the Minister shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appear to him to be desirable.

(8) An order under this section—

(*a*) may contain such transitional or other supplemental provisions as appear to the Minister to be expedient, and

(*b*) may be varied or revoked by subsequent order.

(9) Section 29(3) of the Act of 1959 (which defines the annual loan charges referable to any amount) shall apply for the purposes of this section as it applies for the purposes of that Act.

(10) The provisions of this section shall have effect as respects any application made under section 13 of the Act of 1959 after the coming into force of this section, and in substitution for the provisions of section 14 of the Act of 1959.

(11) This section shall not apply to Scotland.

PART III

Standard grants and Minister's contributions for dwellings provided after 1944 in England and Wales.

52.—(1) In section 4(6) and section 13(5) of the Act of 1959 (which restrict standard grants and contributions by the Minister under the said section 13 for dwellings provided after 1944 to cases where the dwelling was provided by a conversion before the end of 1958 of a pre-1945 building) for the words " the end of the year 1958 " there shall be substituted the words " 3rd October 1961 ".

(2) This section shall not apply to Scotland.

Provision as to improvement grants and standard grants

Duration of leasehold interest of applicant for improvement grant or standard grant in England and Wales.

53.—(1) If an applicant for an improvement grant or a standard grant as respects a single dwelling is, at the time when the application is made, occupying the dwelling and has an interest in the dwelling which constitutes a long tenancy at a low rent—

(*a*) section 31(3) of the Act of 1958 (which as amended by section 10 of the Act of 1959 prevents the making of improvement grants to a leaseholder if his unexpired term is less than fifteen years), and

(*b*) section 5(3) of the Act of 1959 (which contains a corresponding provision for standard grants),

shall apply in relation to that interest as if for the words " fifteen years " there were substituted the words " five years ".

(2) This section shall not apply in relation to applications made before the coming into force of this section.

(3) In this section " long tenancy " and " tenancy at a low rent " have the meanings given by subsections (4) and (5) of section 2 of the Landlord and Tenant Act 1954.

(4) This section shall not apply to Scotland.

Conditions attaching to improvement grants and standard grants in England and Wales.

54.—(1) In section 33(1) of the Act of 1958 (which, as extended by section 7 of the Act of 1959, and as amended by section 11(1) of that Act, imposes conditions in connection with the making of improvement grants under Part II of the Act of 1958, and of standard grants, which operate for ten years) for the word " ten " there shall, as respects grants made before or after the coming into force of this section, be substituted the word " three ".

(2) If under section 32(2) of the Act of 1958 an instalment of an improvement grant is paid before the completion of the works, and the works are not completed within twelve months of the date of payment of the instalment, then that instalment and any further sums paid by the local authority on account of the improvement grant shall, on being demanded by the local authority, forthwith become payable to them by the person to whom the instalment was paid and the instalment and any such payment shall carry interest at the rate prescribed by regulations under secton 49 of the Act of 1958 from the date on

which it was paid by the local authority until repaid under this subsection. PART III

(3) Compound interest under section 34 of the Act of 1958 (enforcement of conditions attached to improvement grants and standard grants) shall be payable in respect of the period down to payment of the sum in question to the local authority, but shall not be payable in respect of any liability which has merged in a judgment debt in respect of the period for which it has so merged.

Conditions attaching to improvement grants and standard grants in Scotland.

55.—(1) In section 114(1) of the Act of 1950 (which, as extended by section 22 of the Act of 1959, and as amended by section 24(2) of that Act, imposes conditions in connection with the making of improvement grants under Part VII of the Act of 1950, and of standard grants, which operate for ten years) for the word " ten " there shall, as respects grants made before or after the coming into force of this section, be substituted the word " three ".

(2) If under section 112(2) of the Act of 1950 an instalment of an improvement grant is paid before the completion of the works, and the works are not completed within twelve months of the date of payment of the instalment, then that instalment and any further sums paid by the local authority on account of the improvement grant shall, on being demanded by the local authority, forthwith become payable to them by the person to whom the instalment was paid, and the instalment and any such payment shall carry interest at the rate prescribed by regulations under section 122 of the Act of 1950 from the date on which it was paid by the local authority until repaid under this subsection.

(3) Compound interest under section 114(2) of the Act of 1950 (enforcement of conditions attached to improvement grants) shall be payable in respect of the period down to the payment of the sum in question to the local authority.

Conditions attaching to improvement grants and standard grants in England and Wales: rent limit.

56.—(1) Schedule 4 to the Act of 1958 (paragraph 4 of which includes a rent limit among the conditions to be observed by owners of dwellings in receipt of improvement grants or standard grants) shall, where that Schedule applies in consequence of the making of an improvement grant or standard grant on an application made after the coming into force of this section, have effect as if the following provisions of this section were included in that paragraph.

(2) The rent payable by the occupier of the dwelling under a tenancy—

(*a*) which is not a controlled tenancy, and

(*b*) which is not a tenancy falling within paragraph (*c*) or (*d*) of section 33 of the Housing Repairs and Rents Act 1954 (which exclude from the operations of the

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Rent Acts certain tenancies where the interest of the landlord belongs to a housing association or a housing trust).

shall not exceed a rent at an annual rate equal to the limit imposed by this section, and so much of the said paragraph 4 as applies the limit imposed by section 20 of the Rent Act 1957 shall not apply to the rent under that tenancy.

(3) Subject to this section, the limit shall be the 1963 gross value of the dwelling together with—

(*a*) the annual amount, ascertained in accordance with Schedule 2 to the Rent Act 1957, of any rates for the first rental period of the tenancy, being rates borne by the landlord or a superior landlord, and

(*b*) such annual amount as may be agreed in writing between the landlord and the tenant or determined by the county court to be a reasonable charge for any services for the tenant provided by the landlord or a superior landlord during the first rental period of the tenancy, or any furniture which under the terms of the tenancy the tenant is entitled to use during that period.

In this subsection " first rental period " means, in relation to a tenancy subsisting on the date when the conditions take effect, the rental period comprising that date and, in the case of any other tenancy, the first rental period of the tenancy.

(4) Sections 2, 3, 4, 5 and 19 of the Rent Act 1957 (which enable the rent limit under that Act to be increased and confer jurisdiction on the county court in questions concerning that rent limit) shall apply in relation to the limit under this section and the tenancy as they apply to the rent limit under that Act and a controlled tenancy so, however, that—

(*a*) in sections 3 and 4 of that Act as so applied for references to the basic rental period there shall be substituted references to the first rental period as defined in the last foregoing subsection, and

(*b*) in section 5 of that Act as so applied for the reference to the commencement of that Act there shall be substituted a reference to 13th November 1963.

(5) In this section " 1963 gross value ", in relation to a dwelling, means, subject to the provisions of Schedule 2 to this Act, the gross value thereof as shown in the valuation list on 13th November 1963 or, where the dwelling forms part only of a hereditament shown in that list, such proportion of the gross value shown in that list for that hereditament as may be agreed in writing between the landlord and the tenant or determined by the county court.

(6) The Minister may by regulations under section 49 of the Act of 1958 direct that in such cases as may be prescribed by

the regulations (including, if so provided, cases where conditions under Schedule 4 to that Act took effect before the coming into force of the regulations) this section and Schedule 2 to this Act shall have effect as if for 13th November 1963 there were substituted such later date, being a date after the valuation list which is in force on that date in 1963 ceases to be in force, as may be specified in the regulations, and regulations made in pursuance of this subsection may contain such transitional, consequential and other provisions as appear to the Minister to be expedient, including provisions for modification of the term " 1963 gross value " and of references to 1st April 1964 in Schedule 2 to this Act.

(7) Section 25 of the Rent Act 1957 shall apply for the interpretation of this section.

(8) Section 12 of the Act of 1959 (under which the local authority may fix a rent limit higher than that prescribed by paragraph 4 of the said Schedule 4 to the Act of 1958) shall apply in relation to the said paragraph 4 as amended by this section, and accordingly—

(*a*) the references in subsections (1), (2) and (5) of the said section 12 to the limit imposed by section 20 of the Rent Act 1957 shall include references to the limit imposed by subsection (2) of this section, and

(*b*) in the said section 12(2) as applied by this section the reference to section 20(3) of the Rent Act 1957 shall be omitted.

(9) The provisions of this section, so far as providing for a limit higher than the limit imposed by section 20 of the Rent Act 1957, shall be without prejudice to any limit imposed under Schedule 4 to the Rent Act 1957 (transitional provisions on decontrol) or under Schedule 4 to the Act of 1958 as applied in relation to any improvement grant or standard grant made on an application which was made before the coming into force of this section.

(10) This section shall not apply to Scotland.

Miscellaneous

Duty of local authority in England and Wales to offer loans to meet expenses of compulsory improvement under Part II of Act.

57.—(1) Any person who is liable to incur expenditure in complying with an immediate improvement notice or final improvement notice served, or an undertaking accepted, under Part II of this Act, or who is liable to make a payment as directed by a court under section 27(8) of this Act, may apply to the local authority for a loan.

(2) Subject to this section, if the local authority are satisfied that the applicant can reasonably be expected to meet obligations assumed by him in pursuance of this section in respect of a loan of the amount of the expenditure or payment to which the application relates, the local authority shall offer to enter

PART III into a contract with the applicant for a loan by the local authority to the applicant of that amount, to be secured to the local authority by a mortgage of the applicant's interest in the premises consisting of or comprising the dwelling or dwellings.

(3) Subject to this section, if the local authority are not so satisfied, but consider that the applicant can reasonably be expected to meet obligations assumed by him in pursuance of this section in respect of a loan of a smaller amount, the local authority may, if they think fit, offer to enter into a contract with the applicant for a loan by the local authority to the applicant of that smaller amount, to be secured as mentioned in the last foregoing subsection.

(4) Any contract entered into by the local authority under this section shall contain a condition to the effect that, if a standard grant or improvement grant becomes payable under section 4 of the Act of 1959 or section 30 of the Act of 1958 in respect of the expenditure or payment to which the application under this section relates, the local authority shall not be required to lend a sum greater than the amount of the expenditure or payment to which the application relates after deduction of the amount of the standard grant or, as the case may be, the improvement grant.

(5) The local authority shall not make an offer under the foregoing provisions of this section unless they are satisfied—

(*a*) that the applicant's interest in the said premises amounts to an estate in fee simple absolute in possession or an estate for a term of years absolute which will not expire before the date for final repayment of the loan, and

(*b*) that, according to a valuation made on behalf of the local authority, the amount of the principal of the loan does not exceed the value which it is estimated the mortgaged security will bear after improvement of the dwelling or dwellings to the full or, as the case may be, the reduced standard.

(6) The rate of interest payable on a loan under this section shall be such as the Minister may direct either generally or in any particular case, and the Minister may, if he thinks fit, give directions, either generally or in any particular case, as to the time within which a loan under this section, or any part of such a loan, is to be repaid.

(7) Subject to the foregoing provisions of this section, the contract offered by the local authority under this section shall require proof of title and shall contain such other reasonable terms as the local authority may specify in their offer.

(8) The local authority's offer may in particular include any such terms as are described in section 43(3)(*c*) of the Act of 1958 (repayment of principal and interest), and provision for the advance being made by instalments from time to time as the works of improvement progress.

(9) An application under this section must be made in writing within three months of the date when the improvement notice becomes operative or the undertaking is accepted or the payment is to be made as directed by the court, as the case may be, or such longer period as the local authority by permission given in writing may allow.

(10) References in this section to the dwelling are references to the dwelling to which the improvement notice or undertaking relates, or in respect of which the payment is to be made, and the reference to the improvement of the dwelling to the full standard or the reduced standard shall be construed as if contained in Part II of this Act.

(11) Where a standard grant or improvement grant is payable partly in respect of expenditure or a payment to which the application under this section relates, and partly in respect of other expenditure or another payment, the reference in subsection (4) of this section to a standard grant or improvement grant shall be taken as a reference to the part of the standard grant or improvement grant which in the opinion of the local authority is attributable to the expenditure or payment to which the application under this section relates.

(12) This section shall not apply to Scotland.

Duty of local authority in Scotland to offer loans to meet expenses of compulsory improvement under Part II of Act.

58.—(1) Any person who is liable to incur expenditure in complying with an immediate improvement notice or a final improvement notice served, or an undertaking accepted, under Part II of this Act in Scotland, or who is liable to make a payment as directed by the sheriff under section 27(8) of this Act, may apply to the local authority for a loan.

(2) Subject to this section, if the local authority are satisfied that the applicant can reasonably be expected to meet obligations assumed by him in pursuance of this section in respect of a loan of the amount of the expenditure or payment to which the application relates, the local authority shall offer to make a loan of that amount to the applicant, the loan to be secured to the local authority by a bond and disposition in security of the premises consisting of or comprising the dwelling, or by a bond and assignation in security of a lease of those premises, or by a bond and such other deed of security over the applicant's estate or interest in the said premises as may be agreed between the local authority and the applicant.

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(3) Subject to this section, if the local authority are not so satisfied, but consider that the applicant can reasonably be expected to meet obligations assumed by him in pursuance of this section in respect of a loan of a smaller amount, the local authority may, if they think fit, offer to make a loan of that smaller amount to the applicant, the loan to be secured as mentioned in the last foregoing subsection.

(4) Any offer made by the local authority under this section shall contain a condition to the effect that, if a standard grant or improvement grant becomes payable under section 19 of the Act of 1959 or section 111 of the Act of 1950 in respect of the expenditure or payment to which the application under this section relates, the local authority shall not be required to lend a sum greater than the amount of the expenditure or payment to which the application relates after deduction of the amount of the standard grant or, as the case may be, of the improvement grant.

(5) The local authority shall not make an offer under the foregoing provisions of this section unless they are satisfied—

(*a*) that the applicant's estate or interest in the said premises amounts to ownership or a lease for a period which will not expire before the date for final repayment of the loan, and

(*b*) that, according to a valuation made on behalf of the local authority, the amount of the principal of the loan does not exceed the value which it is estimated the subjects comprised in the security will bear after improvement of the dwelling or dwellings to the full or, as the case may be, the reduced standard.

(6) The rate of interest payable on a loan under this section shall be such as the Secretary of State may direct either generally or in any particular case, and the Secretary of State may, if he thinks fit, give directions, either generally or in any particular case, as to the time within which a loan under this section, or any part of such a loan, is to be repaid.

(7) Subject to the foregoing provisions of this section, the loan offered by the local authority under this section shall be subject to such reasonable terms as the local authority may specify in their offer.

(8) The local authority's offer may in particular include any such terms as are described in section 75(3)(*c*) of the Act of 1950 (repayment of principal and interest) and provision for the advance being made by instalments from time to time as the works of improvement progress.

(9) An application under this section must be made in writing within three months of the date when the improvement notice becomes operative or the undertaking is accepted or the payment is to be made as directed by the sheriff, as the case may be, or such longer period as the local authority by permission given in writing may allow.

(10) References in this section to the dwelling are references to the dwelling to which the improvement notice or undertaking relates or in respect of which the payment is to be made, and the reference to the improvement of the dwelling to the full standard or the reduced standard shall be construed as if contained in Part II of this Act.

(11) Where a standard grant or improvement grant is payable partly in respect of expenditure or a payment to which the application under this section relates, and partly in respect of other expenditure or another payment, the reference in subsection (4) of this section to a standard grant or improvement grant shall be taken as a reference to the part of the standard grant or improvement grant which in the opinion of the local authority is attributable to the expenditure or payment to which the application under this section relates.

Compulsory improvement under Part II of Act: right to serve purchase notice.

59.—(1) If the person having control of a dwelling or other premises is served with an immediate improvement notice or a final improvement notice under Part II of this Act, that person or, if any such notice was served on a person as being one who received the rack-rent of the premises as agent or trustee for any other person, that other person may, by notice in writing served on the local authority at any time within six months from the date on which the improvement notice becomes operative require the local authority to purchase his interest in the premises in accordance with this section.

(2) On service of a notice under the foregoing subsection the local authority shall be deemed to be authorised to acquire the interest of the said person in the premises compulsorily under the Lands Clauses Acts and to have served a notice to treat in respect of that interest on the date of the service of the notice under the foregoing subsection.

(3) Paragraphs 2, 3 and 5 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) Act 1946 (which contain provisions modifying the Lands Clauses Acts in relation to compulsory purchases under that Act) shall apply in relation to compulsory purchases under this section.

(4) Within twenty-one days of receipt of a notice served by any person under subsection (1) of this section the local authority shall notify every other person who is to their knowledge an owner, lessee or mortgagee of the premises, or who is the occupier of the premises.

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(5) In the application of this section to Scotland—

(*a*) in subsection (1), for the reference to a person who received the rack-rent of the premises as agent or trustee for any other person there shall be substituted a reference to a person who received the rent of the premises as trustee, tutor, curator, factor or agent for or of any other person;

(*b*) in subsection (3), for the reference to paragraphs 2, 3 and 5 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) Act 1946 there shall be substituted a reference to paragraphs 2 and 3 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

Amount of improvement grant for dwellings provided by conversion of houses of three or more storeys in England and Wales.

60.—(1) Section 32(1)(*b*) of the Act of 1958 (which limits the amount of an improvement grant under Part II of that Act for each dwelling provided by the improvement works to four hundred pounds or such other amount as may be prescribed) shall have effect in relation to a dwelling provided by a conversion of a house which consists of three or more storeys as if for the words "four hundred pounds" there were substituted the words "five hundred pounds".

(2) The reference in the foregoing subsection to the number of storeys shall, if any of the dwellings provided by the improvement works is a dwelling all or part of which is in the basement, include the basement as one of the number of storeys of the house.

(3) The Minister's power under the said section 32(1)(*b*) to vary the amount specified in that paragraph shall be exercisable separately as respects the amount of four hundred pounds mentioned in that section and as respects the amount of five hundred pounds substituted by this section in the cases specified in this section.

(4) This section shall not have effect as respects applications made to a local authority before the coming into force of this section.

Amount of improvement grant in Scotland.

61.—(1) Section 112(1)(*b*) of the Act of 1950 (which limits the amount of an improvement grant under Part VII of that Act for each dwelling provided by the improvement works to four hundred pounds or such other amount as may be prescribed) shall have effect as if for the words "four hundred pounds" there were substituted the words "five hundred pounds".

(2) This section shall not have effect as respects applications made to a local authority before the coming into force of this section.

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Amount of exchequer payments under s. 105 of Act of 1950, etc., in Scotland.

62.—(1) A contribution to a local authority under section 105 of the Act of 1950 (which authorises the Secretary of State to make payments towards the annual loss likely to be incurred by a local authority in carrying out approved proposals for the conversion or improvement of houses) shall, instead of being such a contribution as is mentioned in that section, be a contribution towards—

(*a*) the cost of the works of conversion or improvement required for carrying out the proposals, and

(*b*) any expense incurred by the local authority in acquiring interests in land for the purpose of giving effect to the proposals;

and the following provisions of this section shall have effect with respect to such a contribution.

(2) The contribution shall be a sum equal to three-eighths of the annual loan charges referable to an amount determined in accordance with subsections (3) and (4) of this section, payable annually for the period of twenty financial years beginning with the year in which the carrying out of the proposals was completed or for such period, not exceeding sixty financial years beginning as aforesaid, as may be determined by the Secretary of State.

(3) The said amount shall be determined by the Secretary of State when approving the proposals and shall, subject to subsection (4) of this section, be the amount appearing to him to be the aggregate of—

(*a*) the cost likely to be incurred by the local authority in carrying out the works, and

(*b*) any expense likely to be incurred by the local authority in acquiring interests in land for the purpose of giving effect to the proposals.

(4) The amount so determined shall not exceed fourteen hundred pounds, or such other amount as may be specified by order of the Secretary of State, for each dwelling provided or improved by the works, unless the Secretary of State is satisfied in any particular case that in all the circumstances of the case there is good reason for determining a higher amount.

(5) The Secretary of State may by order reduce, as respects proposals approved after such date as may be specified in the order, the proportion of the said annual loan charges, but not below one-third.

(6) For the purposes of this section, the annual loan charges referable to any amount shall be the annual sum which, in the opinion of the Secretary of State, would fall to be provided by

PART III a local authority for the payment of interest on, and the repayment of, a loan of that amount repayable over the period of twenty years or, in a case where the Secretary of State has determined a longer period under subsection (2) of this section, that longer period.

(7) Any order made under this section shall be made by statutory instrument, and—

(*a*) a statutory instrument containing an order under subsection (4) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament; and

(*b*) an order under subsection (5) of this section—

(i) shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament;

(ii) shall not specify a date earlier than the date of the laying of the draft;

and before laying such a draft the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned.

(8) The foregoing provisions of this section shall apply in relation to—

(*a*) contributions falling to be made by the Secretary of State to a local authority in pursuance of section 121 of the Act of 1950 (assistance towards improvement of housing accommodation by housing associations and development corporations under arrangements made by them with local authorities), and

(*b*) payments falling to be made by the Secretary of State to a housing association in pursuance of section 14 of the Act of 1962 (assistance towards improvement of housing accommodation by housing associations under arrangements made by them with the Secretary of State),

as they apply in relation to the contributions mentioned in subsection (1) of this section; and for the purposes of such application this section shall have effect—

(i) in relation to contributions under the said section 121, as if for the references to cost or expense incurred or likely to be incurred by a local authority, and to the approval of proposals by the Secretary of State, there were substituted respectively references to cost or expense incurred or likely to be incurred by a housing association or development corporation, and to the approval by the Secretary of State of arrangements made by a local authority with a housing association or development corporation;

(ii) in relation to payments under the said section 14, as if for the references to a local authority and to the approval of proposals by the Secretary of State there were substituted respectively references to a housing association and to the making of arrangements by the Secretary of State with a housing association;

and subject to any other necessary modifications.

(9) A local authority submitting to the Secretary of State for approval such proposals as are mentioned in the said section 105 or such arrangements as are mentioned in the said section 121, and a housing association wishing to make with the Secretary of State such arrangements as are mentioned in the said section 14, shall furnish to the Secretary of State such estimates and such particulars as he may require for the purposes of this section.

(10) This section shall not affect the nature or amount of any contributions or payments falling to be made by the Secretary of State in connection with (as the case may be) proposals or arrangements approved, or arrangements made, before the coming into operation of this section.

Exchequer contributions to the Commission for the New Towns and development corporations in respect of improvements.

63.—(1) The following enactments (which authorise the Minister to make contributions to local authorities in respect of houses converted or improved by them and dwellings provided by them with the standard amenities), that is—

(*a*) section 9 of the Act of 1958, and section 15 of the Act of 1959, and

(*b*) section 13 of the Act of 1959 and section 47 of this Act,

shall apply as if references in those sections to a local authority included references to—

(i) the Commission for the New Towns, and

(ii) any development corporation established under the New Towns Act 1946.

(2) Section 105 of the Act of 1950 (which authorises the Secretary of State to make contributions to local authorities in respect of houses converted or improved by them) shall apply as if references in that section to a local authority included references to any development corporation established under the New Towns Act 1946.

PART IV

HOUSES IN MULTIPLE OCCUPATION

Amendments of Part II of Act of 1961

Recovery of local authority's expenses under Part II of Act of 1961.

64.—(1) Subject to this section, any expenses recoverable by a local authority under section 18(3) of the Act of 1961 (default powers of local authority as respects work to be carried out under Part II of that Act) together with interest accrued due thereon, shall, until recovered, be a charge on the premises

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to which the notice relates and on all estates and interests therein.

The provisions of this subsection shall be in substitution for the provisions of section 18(4) of the Act of 1961 (which charges the expenses on the estate or interest of the person on whom the notice was served), and subsection (5) of that section (which relates to the enforcement of a charge) shall apply as if the reference to that subsection (4) were a reference to this subsection.

(2) On the date on which a local authority under the said section 18(3) serve a demand for expenses incurred by them, they shall also serve a copy of the demand on every person who is to their knowledge an owner or lessee or mortgagee of the house or building; and within twenty-one days from that date any person may appeal to the county court against the demand.

On the appeal no question may be raised which might have been raised on an appeal against the relevant notice under section 14(5) or 17(1) of the Act of 1961.

(3) Until the demand becomes operative in accordance with this section the charge under subsection (1) of this section shall not take effect, and accordingly in section 18(5) of the Act of 1961 for the words from "date" to the end of the subsection there shall be substituted the words "date when the charge takes effect".

(4) Any such demand shall, if no appeal is brought under this section, become operative on the expiration of twenty-one days from the date of service of the demand on the person on whom the relevant notice was served; and any such demand against which an appeal is brought shall, if and so far as it is confirmed on appeal, become operative on the final determination of the appeal.

(5) Any such demand shall, subject to the right of appeal conferred by this section, be final and conclusive as to any matters which can be raised on any such appeal and as to any matters which could have been raised on an appeal against the relevant notice under section 14(5) or 17(1) of the Act of 1961.

(6) In section 14(4) of the Act of 1961 (under which a local authority are to inform any owner or lessee of the serving of a notice under that section), and in section 15(4) of that Act (which, as extended by section 16 of that Act, contains corresponding provisions for sections 15 and 16) after the words "or lessee" there shall be inserted the words "or mortgagee".

(7) The right of appeal conferred by sections 14(5) and 17(1) of the Act of 1961 (appeal against notices under sections 14, 15 and 16) shall be exercisable not only by the person on whom the notice was served but also by any other person who is an owner, lessee or mortgagee of the house or building to which the notice relates.

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(8) So much of section 18 of the Act of 1961 as authorises the recovery of expenses incurred by a local authority summarily as a civil debt shall cease to have effect.

(9) This section shall have effect as respects any notice served after the coming into force of this section.

(10) This section shall be construed as one with Part II of the Act of 1961.

Penalty for failure to execute works under Part II of Act of 1961.

65.—(1) Subject to this section, if a person on whom a notice has been served under section 14, section 15 or section 16 of the Act of 1961 (power to require execution of works) wilfully fails to comply with the notice, he shall be liable on summary conviction—

(*a*) in the case of a first offence under this subsection, to a fine not exceeding one hundred pounds, and

(*b*) in the case of a second or subsequent offence under this subsection, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both.

(2) In section 18(2) of the Act of 1961 (under which the local authority can carry out works specified in such a notice before the time limited by the notice if notified by the person on whom the notice was served that he does not intend to do the work) for the words "does not intend" there shall be substituted the words "is not able", and if the local authority on being so notified serve notice that they propose to do the work and relieve the person served with the notice from liability under this section, no liability shall arise under this section in respect of the notice requiring the execution of works.

(3) Subsection (1) of this section shall be without prejudice to the exercise by the local authority of their powers of carrying out the works under the said section 18.

(4) Section 159 of the Act of 1957 (which confers powers of entry for the purposes mentioned in that section) shall apply to entry for the purpose of ascertaining whether there has been an offence under this section, but so much of the said section 159 as requires notice to be given of the intended entry shall not apply to entry for the purpose mentioned in this subsection.

The provisions of this subsection are without prejudice to section 28(2) of the Act of 1961 (under which Part II of that Act is construed as one with the Act of 1957).

(5) For the purposes of this section, and of section 18(1) of the Act of 1961,—

(*a*) where no appeal is brought against a notice under section 14, section 15 or section 16 of that Act, the notice is not complied with if the works specified in

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the notice are not completed within the period so specified, with any extension duly permitted by the local authority, and

(*b*) where an appeal is brought against any such notice, the notice, in so far as it is confirmed on appeal, is not complied with if the works specified in the notice are not completed within twenty-eight days from the final determination of the appeal, or such longer period as the court in determining the appeal may fix.

(6) Subsections (4) and (5) of section 23 of the Act of 1961 (criminal liability of directors and other officers of body corporate) shall apply in relation to an offence punishable under this section.

Execution of works under Part II of Act of 1961.

66. Section 161 of the Act of 1957 (penalty for preventing execution of repairs) shall apply as if any reference in that section to Part II of that Act included a reference to Part II of the Act of 1961.

Overcrowded houses and execution of works in overcrowded houses.

67.—(1) If the condition of a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family, is, in the opinion of the local authority, defective in one or more of the ways described in section 15(1) of the Act of 1961, having regard to the number of individuals or households, or both, accommodated for the time being on the premises, the notice which the local authority may serve under that subsection may be a notice specifying the works which in the opinion of the local authority are required for rendering the premises reasonably suitable for occupation by a number of individuals or households smaller than the number accommodated for the time being on the premises.

(2) A notice served in pursuance of the foregoing subsection shall specify the number of individuals or households, or both, which in the opinion of the local authority the premises could reasonably accommodate if the works specified in the notice were carried out, and one of the grounds on which an appeal may be brought under section 17 of the Act of 1961 against such a notice shall be that the number so specified in the notice is unreasonably low.

(3) Where the local authority have in pursuance of the foregoing provisions of this section served a notice specifying the number of individuals or households, or both, which in the opinion of the local authority the premises could reasonably accommodate if the works specified in the notice were carried out, the local authority may adopt that number of individuals (or a number of individuals determined by reference to that number of households) in fixing a limit under section 19(1) of

the Act of 1961 (directions to prevent or reduce overcrowding in houses in multiple occupation) as respects the house.

(4) No notice shall be served under section 15(1) of the Act of 1961 in pursuance of subsection (1) of this section as respects a building which is not a house but to which the said section 15 is applied by section 21 of the Act of 1961.

(5) In section 19(2) of the Act of 1961 (which imposes certain duties on the occupier for the time being of a house in respect of which a direction is given under that section fixing a limit as regards the numbers who should live there) the reference to the occupier for the time being of the house shall include a reference to any person who is for the time being entitled or authorised to permit individuals to take up residence in the house or any part of the house.

Warrant to authorise entry for purposes of Part II of Act of 1961.

68.—(1) Where it is shown to the satisfaction of a justice of the peace, on sworn information in writing, that admission to premises specified in the information is reasonably required by a person employed by, or acting on the instructions of, a local authority for the purpose—

(*a*) of survey and examination to determine whether any powers under Part II of the Act of 1961 should be exercised in respect of the premises, or

(*b*) of ascertaining whether there has been a contravention of any regulations or direction made or given under the said Part II,

the justice, subject to this section, may by warrant under his hand authorise that person to enter on the premises for the purposes mentioned in paragraphs (*a*) and (*b*) above, or for such of those purposes as may be specified in the warrant.

(2) A justice of the peace shall not grant a warrant under this section unless he is satisfied—

(*a*) that admission to the premises has been refused and, except where the purpose specified in the information—

(i) is the survey and examination of premises to determine whether there has been a failure to comply with a notice under section 14, section 15 or section 16 of the Act of 1961, or

(ii) is to ascertain whether there has been a contravention of any regulations or direction made or given under Part II of the Act of 1961,

that admission was sought after not less than twenty-four hours' notice of the intended entry had been given to the occupier, or

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(*b*) that an application for admission to the premises would defeat the object of the entry.

(3) Every warrant granted under this section shall continue in force until the purpose for which the entry is required has been satisfied.

(4) Any person who, in the exercise of a right of entry under this section, enters any premises which are unoccupied, or premises of which the occupier is temporarily absent, shall leave the premises as effectually secured against trespassers as he found them.

(5) Any power of entry conferred by this section—

(*a*) shall include power to enter, if need be, by force, and

(*b*) may be exercised by the person on whom it is conferred either alone or together with any other persons.

Management code to be available for certain tenement blocks.

69.—(1) If on 13th November 1963 all or any of the dwellings in a tenement block are without one or more of the standard amenities, sections 12 to 14 of the Act of 1961 shall, after the coming into force of this section, apply to the tenement block as if references in those sections to a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family included references to the tenement block.

(2) If a local authority make an order under the said section 12 as applied by the foregoing subsection as respects a tenement block at a time when another order under that section is in force as respects one of the dwellings in the tenement block, they shall revoke the last-mentioned order.

(3) References to a house in sections 18 and 23 of the Act of 1961 shall include references to a tenement block to which this section applies.

(4) Expressions in this section to which meanings are given in Part II of this Act shall have the same meanings in this section.

Registers of houses in multiple occupation.

70.—(1) In section 22(1) of the Act of 1961 (registers of houses in multiple occupation) the words "At any time not less than three years from the commencement of this Act" shall cease to have effect.

(2) In section 22(3)(*b*) of the Act of 1961 (under which a duty of notifying the local authority that a house is registrable may be imposed as regards houses and buildings first becoming registrable after the compilation of the register) the words "as regards houses and buildings first becoming registrable after the compilation of the register" shall cease to have effect.

Extension of Part II of Act of 1961 *as amended to Scotland* PART IV

Extension of Part II of Act of 1961 as amended to Scotland.

71.—(1) Part II of the Act of 1961 shall apply to Scotland subject to the adaptations set out in Part I of Schedule 3 to this Act, and for the purpose of amending the said Part II in relation to Scotland sections 64 to 70 of this Act shall apply to Scotland subject to the adaptations set out in Part II of that Schedule.

(2) In accordance with the foregoing subsection Part II of the Act of 1961 shall have effect in Scotland as set out in Part III of Schedule 3 to this Act.

(3) In this Act, unless the context otherwise requires, references to Part II of the Act of 1961 or to any of the provisions of the said Part II shall include references to the said Part II or to that provision, as the case may be, as applied to Scotland by subsection (1) of this section.

Restriction on recovery of possession after making of compulsory purchase order

Restriction on recovery of possession after making of compulsory purchase order.

72.—(1) The provisions of this section shall apply where—

(*a*) a local authority have made an order under Part I of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946, as applied to the acquisition of land under the Act of 1957, authorising the compulsory acquisition of a house which, or a part of 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 section 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.

In this section "the relevant period" means the period of twelve months beginning with the making of the said order or, if at a time before the expiration of the said period of twelve months the Minister 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.

(2) Subject to this section, in proceedings in the county court 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 order for possession of

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the premises made in the proceedings for such period, not exceeding the period of twelve months beginning with the making of the said compulsory purchase order, 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 twelve months), or terminate it, and vary the terms of the order in other respects.

If at any time the Minister notifies the local authority that he declines to confirm the said compulsory purchase order, or that order is quashed by a court, or, whether before or after that order has been submitted to the Minister for confirmation, the local authority decide not to proceed with it, it shall be the duty of the local authority to notify the person entitled to the benefit of the order for possession of the premises, 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 subsection if it were then making an order for possession for the first time.

(3) Subject to this section, it shall not be lawful at any time in the relevant period for the person who, as against the former lessee, is entitled to possession of the premises to enforce against the former lessee, otherwise than by proceedings in the county court, the right to recover possession of the premises.

(4) Subsections (2) and (3) of this section shall not apply—

(*a*) where the person so entitled is the local authority, or

(*b*) where the net annual value for rating of the premises exceeds the limit imposed by section 48 of the County Courts Act 1959 (jurisdiction in actions for recovery of land).

(5) If any person contravenes the provisions of subsection (3) of this section he shall, without prejudice to any liability or remedy to which he may be subject in civil proceedings, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or both.

(6) Subsections (4) and (5) of section 23 of the Act of 1961 (criminal liability of directors and other officers of body corporate) shall apply in relation to an offence punishable under this section.

(7) In the application of this section to Scotland—

(*a*) for any reference to the Minister there shall be substituted a reference to the Secretary of State;

(*b*) in subsection (1), for the reference to the Acquisition of Land (Authorisation Procedure) Act 1946 and to the Act of 1957 there shall be substituted respectively references to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and to the Act of 1950;

(*c*) in subsection (2), for any reference to the county court there shall be substituted a reference to a court of competent jurisdiction;

(*d*) for subsections (3), (4) and (5) there shall be substituted the following subsections:—

" (3) Subject to this section, if at any time in the relevant period the person who, as against the former lessee, is entitled to possession of the premises enforces against the former lessee, otherwise than by proceedings in a court of competent jurisdiction, the right to recover possession of the premises, he shall, without prejudice to any liability or remedy to which he may be subject in civil proceedings, be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or both.

(4) Subsections (2) and (3) of this section shall not apply where the person entitled to possession of the premises is the local authority."

Control orders

Making of control order.

73.—(1) A local authority may make an order under this section (in this Part of this Act referred to as a " control order ") as respects a house in their district which, or a part of which, is let in lodgings, or which is occupied by members of more than one family—

(*a*) if an order under section 12 of the Act of 1961 is in force as respects the house, or a notice has been served or direction given as respects the house under section 14, section 15 or section 19 of that Act, or

(*b*) if it appears to the local authority that the state or condition of the house is such as to call for the taking of any such action as may be taken under any of those sections,

and if it appears to the local authority that the living conditions in the house are such that it is necessary to make the control order in order to protect the safety, welfare or health of persons living in the house.

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(2) A control order shall come into force when it is made, and as soon as practicable after making a control order the local authority shall, in exercise of the powers conferred in this Part of this Act, and having regard to the duties imposed on them by this Part of this Act, enter on the premises and take all such immediate steps as appear to them to be required to protect the safety, welfare or health of persons living in the house.

(3) As soon as practicable after making a control order the local authority shall—

(*a*) post a copy of the order, together with a notice as described in subsection (4) of this section, in some position in the house where it is accessible to those living in the house, and

(*b*) serve a copy of the order, together with such a notice, on every person who, to the knowledge of the local authority,—

(i) was, immediately before the coming into force of the control order, a person managing, or having control of, the house within the meaning of this Part of this Act, or

(ii) is an owner or lessee or mortgagee of the house.

(4) The notice mentioned above shall set out the effect of the order in general terms, referring to the rights of appeal against control orders conferred by this Part of this Act and stating the principal grounds on which the local authority consider it necessary to make a control order.

(5) As soon as practicable after the making of a control order, the control order shall be registered in the register of local land charges by the proper officer of the local authority in the prescribed manner.

The power conferred by section 15(6) of the Land Charges Act 1925 to make rules giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this subsection; and in this subsection "prescribed" means prescribed by rules made in the exercise of that power.

(6) In the application of this section to Scotland, subsection (5) shall not apply, but as soon as practicable after the making of a control order the local authority shall cause the order to be recorded in the General Register of Sasines.

General effect of control order.

74.—(1) While a control order is in force the local authority shall, subject to the provisions of the next following section relating to persons who are occupying parts of the house, have

the right to possession of the premises and the right to do (and authorise others to do) in relation to the premises anything which any person having an estate or interest in the premises would, but for the making of the control order, be entitled to do without incurring any liability to any such person except as expressly provided by this Part of this Act.

(2) Subject to the next following subsection, the local authority may, notwithstanding that they do not, under this section, have an interest amounting to an estate in law in the premises, create an interest in the premises which, as near as may be, has the incidents of a leasehold and, subject to the provisions of the next following section relating to the Rent Acts and to any other express provision of this Part of this Act, any enactment or rule of law relating to landlords and tenants or leases shall apply in relation to any interest created under this section, and in relation to any lease to which the local authority become a party under the next following section, as if the local authority were the legal owner of the premises.

(3) The local authority shall not, in exercise of the powers conferred by this section, create any right in the nature of a lease or licence which is for a fixed term exceeding one month, or which is terminable by notice to quit (or an equivalent notice) of more than four weeks:

Provided that this subsection shall not apply to a right created with the consent in writing of the person or persons who would have power to create that right if the control order were not in force.

(4) On the coming into force of a control order any order under section 12 of the Act of 1961, and any notice or direction under section 14, 15, 16 or 19 of that Act, shall cease to have effect as respects the house to which the control order applies, but without prejudice to any criminal liability incurred before the coming into force of the control order, or to the right of the local authority to recover any expenses incurred in carrying out any works.

(5) References in Part V of the Act of 1957 or in any other enactment to housing accommodation provided or managed by the local authority shall not include references to any house which is subject to a control order, but this subsection shall not be taken as restricting the powers of acquiring land by agreement or compulsorily conferred on local authorities by the said Part V.

(6) In the application of this section to Scotland—

(*a*) in subsection (2), for the references to an estate in law and to a leasehold, there shall be substituted

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respectively references to an estate and to a lease, and for the reference to the legal owner of the premises there shall be substituted a reference to the owner of the premises;

(*b*) in subsection (5), for the words "Part V of the Act of 1957" there shall be substituted the words "Parts V and VIII of the Act of 1950".

Effect of control order on persons occupying house.

75.—(1) This section applies to any person—

(*a*) who, at the time when a control order comes into force, is occupying any part of the house, and

(*b*) who at that time is not a person who has an estate or interest in the whole of the house.

(2) The last foregoing section shall not affect the rights or liabilities of a person to whom this section applies under any lease, licence or agreement, whether in writing or not, under which that person is occupying any part of the house at the time when the control order comes into force; and—

(*a*) any such lease, licence or agreement shall, while the control order is in force, have effect as if the local authority were substituted in the lease, licence or agreement for any party to the lease, licence or agreement who has an estate or interest in the house and who is not a person to whom this section applies, and

(*b*) any such lease shall continue to have effect as near as may be as a lease notwithstanding that the rights of the local authority, as substituted for the lessor, do not amount to an estate in law in the premises.

(3) Section 33 of the Housing Repairs and Rent Act 1954 (which excludes lettings by local authorities from the Rent Acts) shall not apply to any lease or agreement under which a person to whom this section applies is occupying any part of the house, and if immediately before the control order came into force any person to whom this section applies was occupying part of the house under a tenancy to which the Rent Acts applied (including a statutory tenancy), nothing in this Part of this Act shall prevent the Rent Acts from continuing to apply after the coming into force of the control order.

(4) So much of any regulations made under section 13 of the Act of 1961 (regulations prescribing management code) as imposes duties on persons who live in a house to which the

regulations apply shall apply also to persons who live in a house as respects which a control order is in force.

(5) Without prejudice to the rights conferred on the local authority by the last foregoing section, the local authority, and any person authorised in writing by the local authority, shall have the right at all reasonable times, as against any person having an estate or interest in a house which is subject to a control order, to enter any part of the house—

(*a*) for the purpose of survey and examination, and

(*b*) for the purpose of carrying out any works.

(6) If the occupier of any part of a house subject to a control order, after receiving notice of the intended action, prevents any officers, agents, servants or workmen of the local authority from carrying out any works in the house, a magistrates' court may order him to permit to be done on the premises everything which the local authority consider necessary, and if he fails to comply with the order he shall, in respect of each day during which the failure continues, be liable on summary conviction to a fine not exceeding twenty pounds.

(7) In the application of this section to Scotland—

(*a*) in subsection (2), for the reference to an estate in law there shall be substituted a reference to an estate;

(*b*) in subsection (3), for the reference to section 33 of the Housing Repairs and Rent Act 1954 there shall be substituted a reference to section 25 of the Scottish Act of 1954;

(*c*) in subsection (6), for the words "a magistrates' court" there shall be substituted the words "the sheriff or any two justices of the peace sitting in open court or any magistrate having jurisdiction in the place on proof thereof".

Modification of control order where dispossessed proprietor resides in part of house.

76.—(1) A local authority may exclude from the provisions of a control order any part of the house which, when the control order comes into force, is occupied by a person who has an estate or interest in the whole of the house, and, except where the context otherwise requires, references in this Part of this Act to the house do not include references to any part of the house so excluded from the provisions of the control order.

(2) The rights conferred by subsection (5) of the last foregoing section shall, so far as reasonably required for the purpose of survey and examination of a part of a house subject to a control order, or for the purpose of carrying out any works in

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that part of a house, be exercisable as respects the part of the house which is not subject to the control order.

Duty of local authority when control order is in force.

77.—(1) It shall be the duty of the local authority to exercise the powers conferred on them by a control order so as to maintain proper standards of management in the house and to take such action as is needed to remedy all the matters which they would have considered it necessary to remedy by the taking of action under Part II of the Act of 1961 if they had not made a control order.

(2) It shall be the duty of the local authority to make reasonable provision for insurance of the premises subject to the control order, including any part of the premises which, under the last foregoing section, is excluded from the provisions of the control order, against destruction or damage by fire or other cause, and premiums paid for the insurance of the premises shall, for the purposes of this Part of this Act, be treated as expenditure incurred by the local authority in respect of the premises.

Periodical payments to dispossessed proprietor.

78.—(1) In respect of the period during which the control order is in force the local authority shall be liable to pay to the dispossessed proprietor compensation at an annual rate of an amount equal to one half of the gross value for rating purposes of the house as shown in the valuation list on the date when the control order comes into force.

(2) Compensation due under this section shall be payable by quarterly instalments, the first instalment being payable three months after the date when the control order comes into force.

(3) Compensation under this section is to be considered as accruing due from day to day and shall be apportionable in respect of time accordingly.

(4) If at the time when compensation under this section accrues due the estate or interest of the dispossessed proprietor is subject to any mortgage or charge, the compensation shall be deemed to be comprised in that mortgage or charge.

(5) For the purposes of the references in this section to the gross value of the house—

(*a*) where after the date on which the control order comes into force the valuation list is altered so as to vary the gross value of the house, or of the hereditament of which the house forms part, and the alteration has effect from a date not later than the date on which the control order comes into force,

compensation shall be payable under this section as if the gross value of the house or hereditament shown in the valuation list on the date when the control order came into force had been the amount of that value shown in the list as altered, and

(*b*) if the house forms part only of a hereditament, such proportion of the gross value shown in the valuation list for that hereditament as may be agreed in writing between the local authority and the person claiming the compensation shall be the gross value of the house, and

(*c*) if the house consists of or forms part of more than one hereditament, the gross value shall be ascertained by determining the gross value of each hereditament or part as if it were a separate house and aggregating the gross values so determined,

and if any dispute arises under paragraph (*b*) of this subsection, the local authority or the person claiming the compensation may by means of a reference in writing submit the dispute for decision by a valuation officer appointed under the enactments relating to rating.

(6) In this Part of this Act, " dispossessed proprietor " means the person by whom the rents or other periodical payments to which the local authority become entitled on the coming into force of the control order would have been receivable but for the making of the control order, and the successors in title of that person; and if different persons are the dispossessed proprietors of different parts of the house, compensation payable under this section shall be apportioned between them in such manner as they may agree (or as may, in default of agreement, and on a reference in writing, be determined by a valuation officer appointed under the enactments relating to rating) according to the proportions of the gross value of the house properly attributable to the parts of the house in which they are respectively interested.

(7) This section shall apply to Scotland subject to the following modifications:—

(*a*) for the references to gross value, to the valuation list and to a hereditament there shall be substituted respectively references to gross annual value, to the valuation roll and to lands and heritages;

(*b*) in subsection (5), paragraph (*c*) shall not apply, and for the words from " and if any dispute " to the end there shall be substituted the words " and any dispute arising under paragraph (*b*) of this subsection shall be determined by the sheriff on the application of either party ";

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(*c*) in subsection (6), for the words " and on a reference in writing be determined by a valuation officer appointed under the enactments relating to rating " there shall be substituted the words " be determined by the sheriff on the application of any of such persons ".

Scheme listing works involving capital expenditure.

79.—(1) After a control order has been made, the local authority shall prepare a scheme under this section and shall, not later than eight weeks after the date on which the control order comes into force, serve a copy of the scheme on every person who is, to the knowledge of the local authority—

(*a*) a dispossessed proprietor, or

(*b*) an owner or lessee or mortgagee of the house,

and on any other person on whom the local authority served a copy of the said control order.

(2) The 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 Part II of the Act of 1961, or under any other enactment relating to housing or public health, and

(*b*) constitute works involving capital expenditure.

(3) The 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 section 15(1) of the Act of 1961 (which deals with lighting, ventilation, water supply and other matters) live in the house from time to time, having regard to its existing condition and to its future condition as the works progress which the local 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 local authority from persons occupying the house after deducting—

(i) compensation payable by the local authority under section 78 and section 81 of this Act, and

(ii) all expenditure, other than expenditure of which particulars are given under subsection (2) of this section, incurred by the local authority in respect of the house while the control order is in

force, together with the appropriate establishment charges.

(4) In this Part of this Act 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 subsection (3)(*c*) of this section, subject to any variation of the scheme made by the local authority under the following provisions of this section, or made by the court on an appeal or an application under the following provisions of this Part of this Act.

(5) 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).

(6) The provisions of this section shall not affect the powers conferred on a local authority by section 74 of this Act and, accordingly, a local authority shall have power to carry out any works in a house which is subject to a control order whether or not particulars of those works have been included in a scheme under this section.

Recovery of capital expenditure incurred in carrying out works included in scheme.

80.—(1) An account shall be kept by the local authority for the period during which the control order is in force showing—

(*a*) the surpluses on revenue account as settled by the scheme, and

(*b*) the expenditure incurred by the local 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 subsection (1)(*b*) of this section which cannot be set off against the said surpluses on revenue account, and (except where the control order is revoked by the county court 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 section, carry interest at the rate, or the highest rate, for the time being fixed under section 10(6) of the Act of 1957 until it is so set off or until the charge arising under this section is satisfied.

So far as there is any sum out of the surpluses on revenue account not required to meet any expenditure incurred by the local authority, it shall go to meet interest under this subsection.

(4) Except where the control order is revoked by the county court on an appeal against the control order under the following provisions of this Part of this Act, on and after the time

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(5) The local authority shall for the purpose of enforcing the said charge have all the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrender of leases and of appointing a receiver.

(6) The power of appointing a receiver under the last foregoing subsection shall be exercisable at any time after the expiration of one month from the date when the charge takes effect.

(7) For the purposes of this section references to the provisions of the scheme include references to those provisions as varied under this Part of this Act and if, when the control order ceases to have effect, proceedings under the following provisions of this Part of this Act are pending which may result in a variation of the scheme, those proceedings may be continued until finally determined; and if the charge under this section is enforced before the final determination of those proceedings, the local authority shall be liable to account for any money recovered by enforcing the charge which, having regard to the decision in the proceedings as finally determined, they ought not to have recovered.

(8) In the application of this section to Scotland—

(*a*) in subsection (3), for the words from "or the highest rate" to the end there shall be substituted the words "for the time being fixed under section 8(3) of the Act of 1950 until it is so set off or until a demand for such expenditure is served by the local authority under the said section 8(3), as applied by subsection (8)(*c*) of this section.

So far as there is any sum out of the surpluses on revenue account not required to meet any expenditure incurred by the local authority, it shall go to meet interest under this subsection.";

(*b*) in subsection (4), the words "(whether on revocation by a court hearing an appeal from the county court or on the termination or revocation of the control order under the following provisions of this Act)" shall be omitted, and for the words from "be a charge" to the end there shall be substituted the words "be recoverable from the dispossessed proprietor";

(*c*) subsections (5) and (6) shall not apply, but subsections (3), (4) and (5) of section 8 of the Act of 1950 (which relate to the recovery by a local authority of expenses incurred by them in executing works on an insanitary house) shall, subject to any necessary modifications, apply for the purpose of enabling a local authority to recover from the dispossessed proprietor any expenditure which, by virtue of subsection (4) of this section, is recoverable from him as they apply for the purpose of enabling a local authority to recover the first-mentioned expenses;

(*d*) section 16 of the Act of 1950 (appeals) shall apply in relation to a demand by a local authority for the recovery of any such expenditure and in relation to an order made by a local authority with respect to any such expenditure;

(*e*) it shall be competent for a local authority to make a charging order in favour of themselves in respect of any such expenditure, and subsections (2) to (4) of section 20, and section 21, of the Act of 1950 shall, with any necessary modifications, apply to a charging order so made in like manner as they apply to a charging order made under the said section 20 and as if any reference in the said section 21 to Part II of the Act of 1950 included a reference to this Part of this Act;

(*f*) section 76 of this Act shall not apply so as to restrict the effect of any charging order made by virtue of paragraph (*e*) of this subsection to the part of the house to which a control order is applied;

(*g*) in subsection (7), for the words from "and if the charge" to the end there shall be substituted the words "and if any expenditure which, by virtue of subsection (4) of this section, 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.".

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Effect of control order on furnished lettings.

81.—(1) Subject to this section, if on the date on which the control order comes into force there is any furniture in the house which a resident in the house has the right to use in consideration of periodical payments to the dispossessed proprietor (whether included in the rent payable by the resident or not), the right to possession of the furniture shall, on that date and as against all persons other than the resident, vest in the local authority and remain vested in the local authority while the control order remains in force.

(2) The local authority may, on the application in writing of the person owning any furniture to which the foregoing subsection applies, by notice served on that person not less than two weeks before the notice takes effect, renounce the right to possession of the furniture as conferred by that subsection.

(3) In respect of the period during which the local authority have the right to possession of any furniture in pursuance of subsection (1) of this section, the local authority shall be liable to pay to the dispossessed proprietor compensation in respect of the use of any furniture the right to possession of which vests under that subsection at such rate as the parties may agree or as may be determined by the tribunal constituted under section 1 of the Furnished Houses (Rent Control) Act 1946 for the district in which the house is situated.

(4) If the local authority's right to possession of any furniture conferred by subsection (1) of this section is a right exercisable as against more than one person interested in the furniture, any such person may apply to the county court for an adjustment of the rights and liabilities of those persons as regards the furniture, and the county court may make an order for any such adjustment of rights and liabilities either unconditionally or subject to such terms and conditions (including terms or conditions with respect to the payment of money by any party to the proceedings to any other party to the proceedings by way of compensation, damages or otherwise) as it thinks just and equitable.

(5) Subsections (2) and (3) of section 78 of this Act shall apply in relation to compensation under this section as they apply to compensation under that section, and if at the time when compensation under this section accrues due the furniture is subject to any charge, the compensation shall be deemed to be comprised in that charge.

(6) In this section "furniture" includes fittings and other articles.

(7) In the application of this section to Scotland—

(*a*) in subsection (3), for the reference to the Furnished Houses (Rent Control) Act 1946 there shall be substituted a reference to the Rent of Furnished Houses

Control (Scotland) Act 1943, and for the word " district " there shall be substituted the word " area " ;

(*b*) in subsection (5), the words from " and if " to the end shall be omitted.

Appeal against control order.

82.—(1) At any time after the making of a control order, but not later than the expiration of a period of six weeks from the date on which a copy of the relevant scheme is served in accordance with section 79(1) of this Act, any person having an estate or interest in the house, or, subject to the following provisions of this section, any other person, may appeal to the county court against the control order.

(2) The court may, before entertaining an appeal by a person who had not, when he brought the appeal, an estate or interest in the house, require the appellant to satisfy the court that he may be prejudiced by the making of the control order.

(3) The grounds of the appeal may be all or any of the following, that is—

(*a*) that (whether or not the local authority have made an order or issued a notice or direction under any of the sections of the Act of 1961 mentioned in section 73(1)(*a*) of this Act) the state or condition of the house was not such as to call for the taking of any such action as may be taken under any of those sections ;

(*b*) that it was not necessary to make the control order in order to protect the safety, welfare or health of persons living in the house ;

(*c*) where part of the house was occupied by the dispossessed proprietor when the control order came into force, that it was practicable and reasonable for the local authority to exercise their powers under section 76 of this Act so as to exclude from the provisions of the control order a part of the house (or a greater part of the house than has been excluded) ;

(*d*) that the control order is invalid on the ground that any requirement of this Act has not been complied with or on the ground of some informality, defect or error in or in connection with the control order.

(4) In so far as an appeal under this section is based on the ground that the control order is invalid, the court shall confirm the order unless satisfied that the interests of the appellant have been substantially prejudiced by the facts relied on by him.

(5) A control order shall, subject to the right of appeal conferred by this section, be final and conclusive as to any matter which could have been raised on any such appeal.

(6) Where a control order is revoked on an appeal under this section in Scotland the local authority shall as soon as prac-

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ticable thereafter cause to be recorded in the General Register of Sasines a notice stating that the said control order has been revoked as aforesaid.

Appeal against scheme.

83.—(1) Within six weeks from the date on which a copy of the relevant scheme is served in accordance with section 79(1) of this Act, any person having an estate or interest in the house may appeal to the county court against that scheme on all or any of the following grounds, that is—

(*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 local authority in arriving at the estimate as to matters which are within the control of the local authority.

(2) Without prejudice to the right of appeal conferred by the foregoing subsection, either the local authority or any person having an estate or interest in the house may at any time apply to the county court for a review of the estimate of the surpluses on revenue account in the scheme.

(3) On an appeal or an application under this section the court may, as it thinks fit, confirm or vary the scheme (but on an application under subsection (2) not so as to affect the provisions of the scheme relating to the works).

(4) If an appeal has been brought against the control order and the court decide on the appeal to revoke the control order, the court shall not proceed with any appeal against the scheme relating to that control order.

(5) Proceedings on an appeal against a scheme shall, so far as practicable, be combined with proceedings on any appeal against the control order.

(6) On an application under subsection (2) of this section the surpluses on revenue account as settled by the scheme may be varied for all or any periods, including past periods, and the county court shall take into consideration whether in the period since the control order came into force the actual balances

mentioned in section 79(3)(*c*) of this Act 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.

Revocation of control order by court on appeal.

84.—(1) This section shall have effect if a control order is revoked by the county court on an appeal against the control order.

(2) The county court 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 Part II of the Act of 1961 and shall take all or any of the following steps accordingly, that is—

(*a*) approve the making of an order under section 12 of the Act of 1961,

(*b*) approve the giving of a notice under section 14, 15 or 16 of the Act of 1961, or

(*c*) approve the giving of a direction under section 19 of the Act of 1961,

and no appeal against any order or notice so approved shall lie under section 12(4), 14(5) or 17 of the Act of 1961.

(3) If the local authority are in the course of carrying out any works in the house which, if a control order were not in force, the local authority would have power to require some other person to carry out under Part II of the Act of 1961, or under any other enactment relating to housing or public health, and on the hearing of the appeal the court is satisfied that the carrying out of the works could not be postponed until after the determination of the appeal by the county court because the works were urgently required for the sake of the safety, welfare or health of persons living in the house, or of other persons, the court may suspend the revocation of the control order until the works have been completed.

(4) In respect of the period from the coming into force of the control order until its revocation by order of the court, the local authority shall, subject to this section, be liable to pay to the dispossessed proprietor the balances which from time to time accrued to the local authority out of the net amount of the rent and other payments received by the local authority while

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the control order was in force from persons occupying the house after deducting—

(i) compensation payable by the local authority under section 78 and section 81 of this Act, and

(ii) 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.

(5) For the purpose of enabling the local authority to recover capital expenditure incurred in carrying out works in the house in the period before the control order is revoked, the local authority may on the hearing of the appeal apply to the court for approval of those works on the ground that they were works which, if a control order had not been in force, the local authority could have required some person to carry out under Part II of the Act of 1961, or under any other enactment relating to housing or public health, and that the works could not be postponed until after the determination of the appeal by the county court because the works were urgently required for the sake of the safety, welfare or health of persons living in the house, or other persons.

(6) Any expenditure reasonably incurred by the local authority in carrying out the works approved under the last foregoing subsection—

(*a*) may be deducted by the local authority out of the balances which the local authority are, under subsection (4) of this section, liable to pay to the dispossessed proprietor,

(*b*) so far as not so deducted, shall be a charge on the premises, and on all estates and interests in the premises, and section 76 of this Act shall not apply so as to restrict references to the premises in this subsection to references to the part of the premises to which a control order is applied.

(7) The charge under the last foregoing subsection shall take effect as from the date when the control order is revoked and the expenditure so charged shall carry interest at the rate provided by section 80(3) of this Act from that date; and subsections (5) and (6) of the said section 80 shall apply to the charge.

(8) If the court is satisfied that the balances which the local authority are, under subsection (4) of this section, liable to pay to the dispossessed proprietor are unduly low for any reason within the control of the local authority, having regard to the desirability of observing the standards of management contained in regulations made under section 13 of the Act of 1961, and to

the other standards which the local authority ought to observe as to the number of persons living in the house and the rents which they ought to charge, the court shall direct that, for the purposes of the local authority's liability to the dispossessed proprietor under this section, the balances under subsection (4) of this section shall be deemed to be such greater sums as the court may direct:

Provided that the court shall not under this subsection give a direction which will afford to the dispossessed proprietor a sum greater than what he may, in the opinion of the court, have lost by the making of the control order.

(9) If on an appeal against the control order the county court decides that the control order should be revoked, the county court shall fix the date on which the control order is to be revoked without regard to whether an appeal has been or may be brought against the decision of the county court, but that shall not prevent the local authority from bringing an appeal in accordance with the provisions of section 108 of the County Courts Act 1959.

(10) If different persons are dispossessed proprietors in relation to different parts of the house, sums payable under this section by the local authority shall be apportioned between them in the manner provided by section 78(6) of this Act.

(11) In the application of this section to Scotland—

(*a*) in subsection (6)(*b*), for the words from "shall be a charge" to the end there shall be substituted the words "shall be recoverable from the dispossessed proprietor";

(*b*) subsection (7) shall not apply, but any expenditure recoverable from the dispossessed proprietor by virtue of subsection (6)(*b*) of this section shall carry interest at the rate provided by section 80(3) of this Act from the date when the control order is revoked; and paragraphs (*c*) to (*f*) of section 80(8) of this Act shall, with any necessary modifications, apply for the purpose of enabling a local authority to recover any such expenditure as if they were incorporated in this section;

(*c*) subsection (9) shall not apply.

Revocation of control order by higher tribunal on appeal from the county court.

85.—(1) If on an appeal from the decision of the county court confirming a control order it is determined that the control order should be revoked, but the local authority satisfy the court hearing the appeal from the county court—

(*a*) that they are in the course of carrying out any works in the house which, if a control order were not in force, the local authority would have power to require some

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person to carry out under Part II of the Act of 1961, or under any other enactment relating to housing or public health, and

(*b*) that the carrying out of the works could not be postponed until the time when the control order could no longer be revoked by order of any court on an appeal against the control order because the works were urgently required for the sake of safety, welfare or health of persons living in the house, or other persons,

the court may suspend the revocation of the control order until the works have been completed.

(2) If on the hearing by a county court of an appeal against a control order the appellant indicates that an appeal may be brought against any decision of the county court confirming the control order, and that any works ought not to be works the cost of which the local authority can recover under section 80 of this Act unless the control order is confirmed on the further appeal, the county court may direct that any such works shall not be works the cost of which may be recovered under section 80 of this Act—

(*a*) if those works are begun before the time when the further appeal is finally determined, and

(*b*) if the control order is not confirmed on that further appeal.

(3) This section shall not apply to Scotland.

Termination of control order.

86.—(1) A control order shall cease to have effect at the expiration of a period of five years beginning with the date on which it came into force.

(2) The local authority may at any earlier time either on an application under this section, or on their own initiative, by order revoke a control order.

(3) Not less than twenty-one days before the local authority revoke a control order they shall serve notice of their intention to revoke the order on the persons occupying any part of the house, and on every person who is, to the knowledge of the local authority, an owner or lessee or mortgagee of the house.

(4) If any person applies to the local authority requesting the local authority to revoke a control order, and giving the grounds on which the application is made, the local authority shall, if they refuse the application, inform the applicant of their decision and of their reasons for rejecting the grounds advanced by the applicant; and if the local authority refuse the application or do not within forty-two 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 county court, and the county court may revoke the order:

Provided that if an appeal has been brought under this section, then, except with the leave of the county court, another appeal shall not be so brought, whether by the same or a different appellant, in respect of the same control order until the expiration of a period of six months beginning with the final determination of the first-mentioned appeal.

(5) If on an appeal under the last foregoing subsection the local authority represent to the court that revocation of the control order would unreasonably delay completion of any works of which particulars were given in the relevant scheme under this Part of this Act and which the local authority have begun to carry out, the court shall take the representations into account and may, if they think fit, revoke the control order as from the time when the works are completed.

(6) If an appellant under this section has an estate or interest in the house which, apart from the rights conferred on the local authority by this Part of this Act, 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 court that he is in a position, and intends, if the control order is revoked, to demolish or reconstruct the house or to carry out substantial work of construction on the site of the house, the county court shall revoke the control order.

(7) Where in a case falling under the last foregoing subsection the court 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 court shall, if the appellant so requires, make an order for the revocation of the control order on that later date.

(8) If on an appeal under this section the county court decides to revoke the control order, the court may make an order under which the revocation does not take effect until the time for appealing against the decision of the county court has expired and until any such appeal brought within that time has been finally determined.

(9) Where—

(*a*) the county court on an appeal under this section revokes the control order, or

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(*b*) the local authority propose to revoke a control order on their own initiative, and apply to the county court under this subsection,

the court may take all or any of the following steps, to take effect on the revocation of the control order, that is—

(*a*) approve the making of an order under section 12 of the Act of 1961,

(*b*) approve the giving of a notice under section 14, 15 or 16 of the Act of 1961, or

(*c*) approve the giving of a direction under section 19 of the Act of 1961,

and no appeal against any order or notice so approved shall lie under section 12(4), 14(5) or 17 of the Act of 1961.

(10) Where the county court on an appeal under this section decide to revoke a control order for a house which by virtue of this Act will be charged with any sum in favour of the local authority the court may make it a condition of the revocation of the control order that the appellant first pays off to the local authority that sum, or such part of that sum as the court may specify.

(11) in the application of this section to Scotland—

(*a*) where a control order is revoked by a local authority under subsection (2), or by the sheriff on an appeal under subsection (4), of this section, the local authority shall as soon as practicable thereafter cause to be recorded in the General Register of Sasines the revocation order made by them or, as the case may be, a notice stating that the said order has been revoked by the sheriff as aforesaid ;

(*b*) subsection (8) shall not apply ;

(*c*) for subsection (10) there shall be substituted the following subsection :—

"(10) Where the sheriff on an appeal under this section 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 this Part of this Act, 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."

Effect of cessation of control order.

87.—(1) Schedule 4 to this Act (which sets out the consequences of a control order ceasing to have effect) shall have effect for the purposes of this Part of this Act.

(2) Where the county court on an appeal against a control order, or on an appeal under the last foregoing section, revokes

a control order the court may authorise the local authority under section 74(2) of this Act to create interests which expire, or which the dispossessed proprietor can terminate, within six months from the time when the control order ceases to have effect, being interests which, notwithstanding subsection (3) of the said section 74, are for a fixed term exceeding one month, or are terminable by notice to quit (or an equivalent notice) of more than four weeks.

Power of court to modify or determine lease.

88.—(1) Either the lessor or the lessee under any lease of premises which consist of or comprise a house which is subject to a control order, other than a lease to which section 75(2) of this Act applies, may apply to the county court for an order under this section.

(2) On any such application, the county court may make an order for the determination of the lease, or for its variation, and, in either case, either unconditionally or subject to such terms and conditions (including terms or conditions with respect to the payment of money by any party to the proceedings to any other party to the proceedings by way of compensation, damages or otherwise) as the court may think just and equitable to impose, regard being had to the respective rights, obligations and liabilities of the parties under the lease and to the other circumstances of the case.

(3) If on any such application the court is satisfied—

(*a*) that if the lease is determined and the control order is revoked the lessor will be in a position, and intends, to take all such action to remedy the condition of the house as the local authority consider would have to be taken in pursuance of the powers conferred on them by Part II of the Act of 1961, and

(*b*) that the local authority intend, if the lease is determined, to revoke the control order,

the county court shall exercise the jurisdiction conferred by this section so as to determine the lease.

Facilities for dispossessed proprietor and other persons.

89.—(1) It shall be the duty of the local authority to keep full accounts of their income and expenditure in respect of a house which is subject to a control order, and to afford to the dispossessed proprietor, or any other person having an estate or interest in the house, all reasonable facilities for inspecting, taking copies of and verifying those accounts.

(2) While a control order is in force the local authority shall afford to the dispossessed proprietor, or any other person having an estate or interest in the house, any reasonable facilities requested by him for inspecting and examining the house.

PART IV

Power to equip house subject to a control order.

90. The local authority may fit out, furnish and supply a house subject to a control order with such furniture, fittings and conveniences as appear to them to be required.

Interpretation and construction of Part IV.

91.—(1) In this Part of this Act, unless the context otherwise requires,—

"dispossessed proprietor" has the meaning given by section 78(6) of this Act;

"establishment charges" means, in relation to any expenditure incurred by a local authority, the proper addition to be made to that expenditure to take account of overhead expenditure incurred by the local authority, and to allow for a proper return on capital;

"licence", in relation to Scotland, means any right or permission relating to land but not amounting to an estate or interest therein;

"person managing a house" has the meaning given by section 13(2) of the Act of 1961;

"the person having control"—

(*a*) in relation to any premises in England and Wales means the person who receives the rack-rent of the premises, whether on his own account or as agent or trustee of any other person, or who would so receive it if the premises were let at a rack-rent, and for the purposes of this definition "rack-rent" means rent which is not less than two-thirds of the full net annual value of the premises, and

(*b*) in relation to any premises in Scotland has the meaning given by section 7(3) of the Act of 1950;

"statutory tenant" means a tenant (as defined in section 12(1)(*g*) of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920) who retains possession by virtue of the Rent Acts, and not as being entitled to a tenancy, and "statutory tenancy" shall be construed accordingly;

"surpluses on revenue account as settled by the scheme" has the meaning given by section 79(4) of this Act.

(2) References in this Part of this Act to the net amount of rents or other payments received by the local authority from persons occupying the house are references to the amount of the rent and other payments received by the local authority from those persons under leases or licences, or in respect of furniture to which section 81(1) of this Act applies, after deducting income tax paid or borne by the local authority in respect of those rents and other payments.

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(3) References in this Part of this Act to expenditure incurred in respect of a house subject to a control order include, in a case where the local authority—

(*a*) require persons living in a house to vacate their accommodation for any period while the local authority are carrying out works in the house, and

(*b*) defray all or any part of the expenses incurred by or on behalf of those persons removing from and returning to the house, or provide housing accommodation for those persons for any part of that period,

references to the sums so defrayed by the local authority, and to the net cost of the local authority of so providing housing accommodation.

(4) For the purposes of this Part of this Act the withdrawal of an appeal shall be deemed the final determination thereof having the like effect as a decision dismissing the appeal.

(5) This Part of this Act, in its application to England and Wales, shall be construed as one with the Act of 1957 and, in its application to Scotland, shall be construed as one with the Act of 1950.

PART V

MISCELLANEOUS AND GENERAL

Aluminium Houses

Financial provisions in connection with premature demolition of "B.2" houses.

92.—(1) A house to which this section applies is one—

(*a*) provided by a local authority in the exercise of their powers to provide housing accommodation;

(*b*) completed during the period beginning with 1st January 1947 and ending with 31st December 1951;

(*c*) approved for the purposes of the Act of 1946 by the Minister of Health or by the Minister; and

(*d*) of the type known to local authorities who have such powers as aforesaid as "B.2 detached" (being a type of one-storeyed house constructed substantially of alloy of which the principal component is aluminium).

(2) Where, after the coming into force of this section, a house to which this section applies is, with the previous approval of the Minister, demolished by or on behalf of the authority who provided it by reason of its having been (or being certain to become) irreparably damaged by corrosion or, before the coming into force of this section, such a house has, with the like approval, been so demolished by reason aforesaid, the following provisions shall have effect, that is to say—

(*a*) the Minister shall, for each of the residuary contribution years, pay to the authority in respect of the house (in

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addition to the annual exchequer contributions in respect thereof) the sum mentioned in subsection (3) below; and

(*b*) where the amount of each of those contributions would, apart from this paragraph, be more than sixteen pounds ten shillings—

(i) it shall, for each of those years, be reduced to sixteen pounds ten shillings, and

(ii) any liability to make a county council contribution in respect of the house for each of those years shall be determined.

(3) The sum referred to in subsection (2)(*a*) above is one equal to each of the annual instalments by means of which a loan, of an amount equal to what, by virtue of subsection (4) below, is to be taken to be the cost of the house, would fall to be repaid had it been raised on the completion of the house on terms that it should be repaid, with interest thereon at the appropriate rate, by means of sixty equal annual instalments of principal and interest combined falling due on the anniversary of the date on which it was raised, the first such instalment falling due on the first such anniversary.

For the purposes of this subsection the appropriate rate of interest—

(*a*) if the house was completed on or before 2nd January 1948, is two-and-a-half per cent.;

(*b*) if the house was completed after that date, is three per cent.

(4) For the purposes of subsection (3) above, the cost of the house shall be taken to be the sum determined by the Minister, by reference to the net cost to the local authority who provided it of providing all the houses provided by them to which this section applies, to be the average cost to the authority of providing one such house, the net cost to the authority of providing all those houses being taken for this purpose to be the cost to the authority of providing them, as reduced by grants made to the authority under section 17 of the Act of 1946 in respect of any of them, and further reduced by leaving out of account expense incurred by the authority in acquiring the sites of those houses or in executing any of the following works in connection with them, that is to say—

(*a*) works for the laying out of streets forming means of access to them;

(*b*) works (whether for the provision for the houses of sewerage facilities or a supply of electricity, gas or water, or for any other purpose whatsoever) executed outside the houses and any yard, garden, outhouse or appurtenances belonging to them.

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(5) In accordance with subsection (2)(*b*) above—

(*a*) where, before the coming into force of this section, there has, for a residuary contribution year, been made to a local authority, in respect of a house to which this section applies which is, or has been, demolished as mentioned in that subsection, an annual exchequer contribution of an amount exceeding sixteen pounds ten shillings, the authority shall be liable to repay the excess to the Minister; and

(*b*) where, before the coming into force of this section, there has, for any such year, been made to a local authority, in respect of such a house which is, or has been, demolished as aforesaid, a county council contribution, the authority shall be liable to repay it to the council of the county who made it.

(6) A liability which, by virtue of subsection (5)(*a*) above, a local authority are under to repay a sum to the Minister may be discharged in whole or part by way of deduction made by the Minister from any annual contribution payable by him to the authority, being a contribution the liability for whose payment by him under the Act of 1946 is preserved by section 59(4) of the Act of 1958 notwithstanding the repeal of the 1946 Act by that section.

(7) The amounts which by paragraph 1 of Schedule 5 to the Act of 1958 a local authority who are required to keep a Housing Revenue Account are required in each financial year to carry to the credit of that account shall include an amount equal to the sums payable by virtue of subsection (2)(*a*) above to the authority for that year.

(8) In this section —

(*a*) "the Act of 1946" means the Housing (Financial and Miscellaneous Provisions) Act 1946;

(*b*) "annual exchequer contributions" means, in relation to a house to which this section applies, the annual contributions in respect of the house the liability for whose payment under the Act of 1946 to the local authority who provided it by the Minister is preserved by section 59(4) of the Act of 1958 notwithstanding the repeal of the Act of 1946 by that section;

(*c*) "county council contribution" means, in relation to a house to which this section applies, the annual contribution in respect of the house the liability for whose payment under section 8 of the Act of 1946 to the local authority who provided it (where they were the council of a county district) by the council of the county in which the district is situated is preserved as aforesaid;

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(*d*) " residuary contribution years " means, in relation to a house to which this section applies which is, or has been, demolished as mentioned in subsection (2) above, such of the sixty years following the completion of the house as remain unexpired at the expiration of the one in which the house is vacated in order that it may be demolished or, as the case may be, was vacated in order that it might be demolished.

(9) Subsections (1), (2), (3), (4) and (8) above shall apply in relation to a development corporation established under the New Towns Act 1946 and to a house provided by such a corporation as they apply in relation to a local authority and to a house provided by a local authority, but subject to the following modifications—

(*a*) subsections (2)(*b*) and (8)(*c*) shall not apply;

(*b*) in subsection (4) the words " as reduced by grants made to the authority under section 17 of the Act of 1946 in respect of any of them, and further " shall be omitted;

(*c*) in subsection (8)(*b*), for the references to the Act of 1946 there shall be substituted references to section 8(2) of the New Towns Act 1946.

(10) This section shall apply to Scotland subject to the following modifications:—

(*a*) subsection (2)(*b*)(ii), subsection (5)(*b*), subsection (8)(*c*) and subsection (9) shall not apply;

(*b*) for the references to the Minister of Health and to the Minister there shall be substituted references to the Secretary of State;

(*c*) in subsection (1)(*c*), for the reference to the Act of 1946 there shall be substituted a reference to the Housing (Financial Provisions) (Scotland) Act 1946;

(*d*) in subsections (2) and (8)(*b*), references to the authority who provided a house to which this section applies shall include references to the authority to whom any such house belongs;

(*e*) in subsections (2)(*b*) and (5)(*a*), for the references to sixteen pounds ten shillings there shall be substituted references to twenty-one pounds ten shillings;

(*f*) in subsection (4), for the references to section 17 of the Act of 1946 and to appurtenances there shall be substituted respectively references to section 15 of the Housing (Financial Provisions) (Scotland) Act 1946 and to pertinents;

(*g*) in subsections (6) and (8)(*b*), for the references to an annual contribution the liability for whose payment under the Act of 1946 is preserved by section 59(4) of the Act of 1958 notwithstanding the repeal of the Act of 1946 by that section, there shall be substituted references to an annual contribution payable under section 84 or section 86 of the Act of 1950;

(*h*) in subsection (7), for the reference to paragraph 1 of Schedule 5 to the Act of 1958 there shall be substituted a reference to section 138(1) of the Act of 1950.

(11) Any sums paid to local authorities under this section shall be paid out of money provided by Parliament.

Arrangements for demolition of "B.2" houses by Minister of Public Building and Works.

93.—(1) The Minister may make arrangements with the Minister of Public Building and Works whereby, on behalf of and at the expense of the Minister, the Minister of Public Building and Works, if requested so to do by a local authority or development corporation, will demolish a house provided by them whose demolition has been approved under subsection (2) of the last foregoing section and (having demolished it) will, if so requested, execute such works as may be required for clearing the land constituting the site of the house of any substructure and other materials affixed to the land for the purposes of the erection of the house.

(2) Materials and other things rendered available by the demolition, after the coming into force of this section, of a house whose demolition is approved as aforesaid (whether the demolition is carried out by the local authority or development corporation who provided it or by the Minister of Public Building and Works under arrangements made as aforesaid) and materials and other things rendered available by the execution by that Minister, under such arrangements, of works for clearing land shall be held or disposed of for the benefit of the Crown in such manner as the Minister may determine.

(3) In this section "development corporation" means a development corporation established under the New Towns Act 1946.

(4) In the application of this section to Scotland—

(*a*) for the references to the Minister there shall be substituted references to the Secretary of State;

(*b*) the references to a development corporation shall be omitted;

(*c*) in subsection (1), the reference to a house provided by a local authority shall include a reference to a house belonging to a local authority;

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(*d*) in subsection (2), the reference to the local authority who provided a house whose demolition is approved shall include a reference to the local authority to whom any such house belongs.

(5) Any expenses incurred by the Minister in connection with arrangements under this section shall be paid out of money provided by Parliament.

Grants for replacement of corroded parts of "B.L.8" houses in England and Wales.

94.—(1) A house to which this section applies is one—

(*a*) provided, completed and approved as mentioned in section 92(1) of this Act; and

(*b*) of a type known to local authorities who have powers to provide housing accommodation as "B.L.8 semi-detached" (being a type of one-storeyed house constructed substantially of alloy of which the principal component is aluminium).

(2) Where, with the previous approval of the Minister, a house to which this section applies (other than one falling within subsection (3) below) is subjected by the authority who provided it to replacement of such of the parts thereof as have become, or are liable to become, corroded (whether the initiation of the works for replacement is before or after the coming into force of this section), the Minister shall pay to the authority such sum as is mentioned in subsection (4) below.

(3) In the case of a house to which this section applies which, before the coming into force of this section, has, at the instance of the Minister, been subjected as mentioned in subsection (2) above in accordance with a scheme heretofore promoted by him with the object of determining what it costs to subject a house to such replacement as is so mentioned, the Minister shall pay to the authority a sum equal to the cost incurred by them in subjecting the house to such replacement.

(4) The sum referred to in subsection (2) above is such sum (not exceeding two hundred pounds) as the Minister, having regard to the results obtained from the operation of any such scheme as is mentioned in subsection (3) above, with the approval of the Treasury determines to be equal to the reasonable average cost to local authorities of subjecting a house to which this section applies to such replacement as is mentioned in the said subsection (2).

(5) Any sums paid to local authorities under this section shall be paid out of money provided by Parliament.

(6) This section shall not apply to Scotland.

Miscellaneous PART V

Amendments of Clean Air Act 1956 relating to dwellings.

95.—(1) For the purposes of section 12(1) of the Clean Air Act 1956 (which provides for the making by local authorities of payments for adaptations of fireplaces in dwellings other than new dwellings) and of section 13(1)(*b*) and (*c*) of that Act (under which the Minister may contribute to expenses incurred by a local authority in carrying out adaptations of fireplaces in dwellings owned or controlled by them or, in the exercise of their default powers, in other dwellings, but not in any new dwellings) a new dwelling means a dwelling which either—

(*a*) was erected after the time when this section comes into force, or

(*b*) was produced by conversion, after that time, of other premises, with or without the addition of premises erected after that time,

and for the purposes of this subsection, a dwelling or premises shall not be treated as erected or converted after that time unless the erection or conversion was begun thereafter.

(2) If, after an order has been made by a local authority under section 11 of the said Act of 1956 declaring any area to be a smoke control area (not being an order varying a previous order so made) and before notice of its making is first published in accordance with Schedule 1 to that Act, the authority pass a resolution designating any class of heating appliance as being, in their opinion, unsuitable for installation in that area as tending, by reason of its consumption of fuel (of whatever kind) or its consumption thereof at the times when it is generally used, to impose undue strain on the fuel resources available for that area then, if the order is confirmed, no payment shall be made by that authority under the said section 12(1) in respect of expenditure incurred in providing, or in executing works for the purpose of the installation of, any heating appliance of that class in or in connection with a dwelling within the area to which the order, as confirmed, relates; and accordingly all such expenditure shall be left out of account for the purposes of that subsection.

(3) No payment shall be made under the said section 12(1) by a local authority in respect of expenditure incurred after the coming into force of this section in providing, or in executing works for the purpose of the installation of, any heating appliance which, when the expenditure was incurred, fell within any class of appliance for the time being designated for the purposes of this subsection by the Minister as being in his opinion—

(*a*) unsuitable for installation in the area of that authority as tending, by reason aforesaid, to impose undue strain on the fuel resources available for that area, or

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(*b*) generally unsuitable for installation in England and Wales as tending, by reason aforesaid, to impose undue strain on the fuel resources available for England and Wales;

and accordingly all such expenditure shall be left out of account for the purposes of that subsection:

Provided that this subsection shall not apply to expenditure in respect of which the approval of the local authority was given for the purposes of the said section 12(1) at a time (including any time before the coming into force of this section) when the appliance in question did not fall within a class of appliance for the time being designated for the purposes of this subsection by the Minister as regards the area of that authority or generally.

(4) For the purposes of the said section 12(1), the approval of a local authority to the incurring of expenditure may, if the authority think fit in the circumstances of any particular case, be given after the expenditure has been incurred if—

(*a*) the expenditure was incurred at a time after the coming into force of this section, and

(*b*) in the case of expenditure incurred in providing, or in executing works for the purpose of the installation of, a heating appliance, the appliance did not at that time, and does not when the approval is given, fall within a class of appliance for the time being designated by the Minister for the purposes of subsection (3) above as regards the area of that authority or generally.

(5) At any time after an order made by a local authority under section 11 of the said Act of 1956 has been confirmed, that authority may, if they think fit in the circumstances of any particular case, give their approval, for the purposes of the said section 12(1), to the incurring of expenditure which was incurred after the making but before the confirmation of the order, being expenditure such that, if the order had been confirmed immediately before it was incurred, they would, at the time when the approval is given under this subsection, have had power to give it under the last foregoing subsection; and where the approval of a local authority is given under this subsection as regards any expenditure, the said section 12(1) shall apply in relation to that expenditure as if that expenditure had been incurred immediately after the confirmation of the order.

(6) In section 13(1)(*a*) of the said Act of 1956 (under which the Minister may contribute to expenses incurred by a local authority in making payments under the said section 12(1) which they are bound thereby to make) the words "which they are

bound thereby to make" shall cease to have effect except for the purposes of the application of that paragraph to expenses incurred before the coming into force of this section.

(7) The amount of the contribution which, under section 13(1)(*c*) of the said Act of 1956, the Minister may make in respect of any expenses incurred by a local authority in carrying out (in the exercise of the default powers conferred by section 12(2) or 12(3)(*c*) of that Act) adaptations required by a notice under the said section 12(2) in or in connection with a dwelling which is not a new dwelling shall, in the case of expenses so incurred after the coming into force of this section, be equal to four-sevenths of the amount arrived at by deducting from the amount of those expenses that fraction thereof (whether three-tenths or some smaller fraction determined by the local authority, in the case of those expenses, in pursuance of the said section 12(2) or 12(3)(*c*)) which the local authority have power to recover from the occupier or owner by virtue of the said section 12(2) or 12(3)(*c*).

(8) So much of section 13(2) of the said Act of 1956 as regulates the amount of a contribution made by the Minister under the said section 13(1)(*c*) shall not apply to any such contribution made in respect of expenses incurred after the coming into force of this section.

(9) In section 14(1) of the said Act of 1956 (which specifies, by reference to a list of works, the kinds of adaptations of fireplaces to which sections 12 and 13 of that Act apply) after paragraph (*c*) there shall be added the following paragraph—

"(*cc*) providing gas ignition, electric ignition or any other special means of ignition; or";

and for the purposes of the said section 14(1) the provision of any igniting apparatus or appliance (whether fixed or not) operating by means of gas, electricity or any other special means shall be deemed to be the execution of works.

(10) In the application of this section to Scotland—

(*a*) for the references to the Minister there shall be substituted references to the Secretary of State, and

(*b*) in subsection (3), for the references to England and Wales there shall be substituted references to Scotland.

Local authorities' power to assist in provision of separate service pipes for houses.

96.—(1) A local authority may if they think fit give assistance in respect of the provision of a separate service pipe for a house which has a piped supply of water from a water main, but no separate service pipe.

(2) Subject to this section, the assistance shall be by way of making a grant in respect of all or any part of the expenses incurred in the provision of the separate service pipe.

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(3) If the local authority are themselves the statutory water undertakers by whom water will be supplied by means of the separate service pipe, and themselves provide or assist in providing the separate service pipe, they may, instead of, or in addition to, making a grant under the last foregoing subsection, remit all or any part of the expenses incurred by them in providing the separate service pipe, being expenses which would otherwise be recoverable from a person having an interest in the house.

(4) The reference to expenses in subsection (2) of this section includes, in a case where all or any part of the works required for the provision of the separate service pipe are carried out by statutory water undertakers (whether in exercise of default powers or in any other case), a reference to sums payable by the owner of the house, or any other person, to the statutory water undertakers for carrying out the works.

(5) In this section "local authority" means the council of a county borough, London borough or county district or the Common Council of the City of London; and, in relation to any house, references to the local authority are references to the local authority in whose district the house is situated.

(6) In the application of this section to Scotland—

(*a*) for the references to the statutory water undertakers there shall be substituted references to the local water authority as defined in section 5(4) of the Water (Scotland) Act 1946;

(*b*) "local authority" means a local authority for the purposes of the Act of 1950.

Exchequer contributions for local authorities buying or holding unfit houses for temporary accommodation.

97.—(1) In section 13(2)(*b*) of the Act of 1958 (under which the Minister may make annual payments for fifteen years of three pounds to any local authority in respect of unfit houses bought or held by them) for the words "three pounds" there shall, in relation to houses approved for the purposes of that section after 13th November 1963, be substituted the words "eight pounds".

(2) In section 4(2)(*b*) of the Scottish Act of 1954 (under which the Secretary of State may make annual payments for fifteen years of seven pounds five shillings to any local authority in respect of unfit houses bought or held by them) for the words "seven pounds five shillings" there shall, in relation to houses approved for the purposes of that section after 13th November 1963, be substituted the words "twelve pounds five shillings".

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Extension of exchequer subsidies for new houses provided by Scottish Special Housing Association.

98.—(1) Subject to the provisions of Part I of the Act of 1962—

(*a*) an annual exchequer subsidy shall be payable under the said Part I in respect of each new house provided by the Scottish Special Housing Association in the circumstances specified in paragraph (*c*) of section 23(1) of the Scottish Act of 1957 (which paragraph is set out in subsection (2) of this section) and in accordance with proposals approved by the Secretary of State for the purposes of the said Part I, and

(*b*) the amount of such subsidy shall be forty-two pounds;

and accordingly, in sections 1(1)(*e*) and 2(1)(*d*) of the Act of 1962 (which sections provide for the payment and amount of annual exchequer subsidies), after the words "paragraph (*b*)" there shall be inserted the words "or paragraph (*c*)".

(2) Section 23(1) of the Scottish Act of 1957 (in paragraphs (*a*) and (*b*) of which are specified the circumstances in which new houses must be provided by the Scottish Special Housing Association in order that exchequer subsidies may be payable in respect of them under Part I of the Act of 1962) shall have effect as if at the end thereof there were inserted the following—

"or

(*c*) houses provided in the district of any local authority in accordance with arrangements made with the approval of the Secretary of State as being desirable by reason of special circumstances for the provision of housing accommodation in any area for persons coming to that area in order to meet the urgent needs of industry, and so coming wholly, or, in the case of the council of a county (other than a county of a city), wholly or partly, from outside the district of the authority".

Compulsory purchase of land by Scottish Special Housing Association.

99.—(1) Where the Scottish Special Housing Association (hereafter in this section referred to as "the Association") desire to acquire any land for—

(*a*) the provision of new houses by the Association in the circumstances specified in paragraph (*a*) or paragraph (*b*) or paragraph (*c*) of section 23(1) of the Scottish Act of 1957; or

(*b*) the provision of housing accommodation by the Association under a scheme submitted by them to the Secretary of State under section 18(1)(*b*) of the Act of 1962;

and the Association have made an application to the local authority in whose area the land is situated requesting them to acquire the land under Part V of the Act of 1950 for the

PART V

purpose of selling it or leasing it to the Association, then if the authority have power to acquire the land under the said Part V and the Association are satisfied, after consultation with the authority, that the authority are unwilling to acquire the land for that purpose or that the footing on which they are willing to do so involves the sale or leasing of the land to the Association subject to conditions which are unacceptable to the Association, the Association may themselves acquire the land compulsorily.

In this subsection " local authority " means a local authority for the purposes of the Act of 1950.

(2) The Association may, at the request of the Housing Corporation made in accordance with section 4(1) of this Act, acquire land compulsorily for selling it or leasing it to a housing society.

(3) The power of the Association to acquire any land compulsorily under subsection (1) or subsection (2) of this section shall be exercisable in any particular case on their being authorised to do so by the Secretary of State, and in relation to the compulsory purchase the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply as if the Association were a local authority within the meaning of that Act, as if this Act had been in force immediately before the commencement of that Act, and as if in Part I of Schedule 1 to that Act (procedure for authorising compulsory purchases) references to an owner of any land comprised in the compulsory purchase order included references to the local authority in whose area the land is situated.

(4) Section 18(1) of the Act of 1962 (which confers power on the Secretary of State to make advances to the Association for the provision of housing accommodation) shall have effect as if it conferred power on the Secretary of State to make advances under that subsection to the Association for the purpose of assisting them to acquire any land compulsorily under this section.

(5) The Association may not dispose of any land acquired by them compulsorily under this section which is not required for the purposes for which it was acquired without the consent in writing of the Secretary of State.

(6) In the case of land which is situated partly in the area of one local authority and partly in the area of another, references in this section to the local authority in whose area the land is situated shall be construed as references to each of those local authorities.

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Amendment of s. 10(1) of Scottish Act of 1957.

100. Section 10 of the Scottish Act of 1957 (which empowers a local authority to make a town development scheme for the carrying out of development in conjunction with any housing accommodation proposed to be provided in their district in pursuance of arrangements such as are mentioned in section 8(1) of that Act) shall empower a local authority to include in a town development scheme proposals for the carrying out of development in conjunction with any housing accommodation already provided in their district in pursuance of any such arrangements, and accordingly in subsection (1) of the said section 10—

(*a*) after the words " any housing accommodation proposed to be provided " there shall be inserted the words " or already provided ", and

(*b*) after the words " related to the proposals as to the housing accommodation " there shall be inserted the words " and related also to the housing accommodation already provided, if any ".

Power to counties and large burghs in Scotland to contribute towards expense of housing elderly, infirm or handicapped persons.

101.—(1) The council of a county or of a large burgh in Scotland may make any contribution they think fit towards expenditure incurred by a local authority in connection with—

(*a*) the provision, maintenance and management, under the Act of 1950, of housing accommodation for elderly, infirm or handicapped persons ; and

(*b*) the exercise, in relation to housing accommodation so provided, or for the benefit of persons occupying such accommodation, of any of their functions under section 66, 67 or 68 of the said Act.

(2) Where an amount equal to the expenditure towards which any contribution is made under the foregoing subsection falls to be debited to the housing revenue account of the local authority, that authority shall carry to the credit of the account, in addition to the amounts which they are required to carry to the credit of that account under section 138 of the Act of 1950, an amount equal to the contribution under the foregoing subsection.

Duties of local authority in connection with service of notices and other documents under Housing Acts.

102.—(1) Where under any enactment in Part II of the Act of 1961, or Part II, Part III or Part IV of this Act, it is the duty of a local authority to serve any document on a person who is to the knowledge of the local authority the person having control of any premises (however defined), or a person managing any premises (however defined), or a person having an estate or interest in any premises (whether or not restricted to persons who are owners or lessees or mortgagees or to any other class of those having an estate or interest in premises) it shall be the duty of the local authority to take reasonable steps to identify the person or persons coming within the description in the enactment.

PART V

(2) Any person having an estate or interest in any premises may for the purposes of the enactments mentioned in subsection (1) of this section give notice to the local authority of his interest in the premises, and the local authority shall enter the notice in their records.

Other minor amendments of Housing Acts.

103.—(1) Any notice, order or other document required or authorised to be served under the Act of 1957 or the Act of 1950, or any enactment required to be construed with either of those Acts, which is to be served on any person as being a person having control of any premises (however defined) may, if it is not practicable after reasonable enquiry to ascertain the name or address of that person, be served by addressing it to him by the description of "person having control of" the premises (naming them) to which it relates and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

(2) Where under any enactment in Part II of the Act of 1950, Part II of the Act of 1957, or Part II of the Act of 1961, or Part II or Part IV of this Act a document is to be served on the person having control of any premises (however defined), or on the person managing any premises (however defined), or on the owner of any premises (however defined), and more than one person comes within the description in the enactment, the document may be served on more than one of those persons.

(3) In section 69(3) of the Act of 1957 (under which a local authority may issue a certificate that a house is fit for human habitation and will remain so fit for a specified period, not being less than five nor more than ten years) for the word "ten" there shall be substituted the word "fifteen".

(4) In section 161 of the Act of 1957 and in section 161(1)(*b*) of the Act of 1950 (penalty for preventing execution of repairs, etc.) references to an owner of any premises shall include references to a person having control of any premises (as defined in section 39(2) of the Act of 1957 or, as the case may be, section 7(3) of the Act of 1950, or in any corresponding definition).

(5) In section 178(1) and section 179(1) of the Act of 1957 (which contain general provisions relating to the form of notices, and to dispensations with service of notices) the proviso (which excepts notices under sections 26 and 30 of the Act relating to the substitution of a closing order for a demolition order and to payments for well-maintained houses) shall in each case cease to have effect.

Supplemental

Application to Isles of Scilly.

104. Section 57 of the Act of 1958 (application to Scilly Isles) shall apply in relation to this Act as it applies in relation to the provisions specified in subsection (3) of that section.

PART V
Financial provisions.

105.—(1) There shall be paid out of money provided by Parliament—

(*a*) any administrative expenses incurred by the Minister or the Secretary of State for the purposes of this Act; and

(*b*) any increase attributable to the provisions of this Act in the sums payable out of money so provided under any other enactment.

(2) There shall be paid into the Exchequer any sums falling to be so paid in consequence of any of the provisions of this Act.

General interpretation, and temporary modification as regards London.

106.—(1) In this Act, except where the context otherwise requires—

(*a*) "the Minister" means the Minister of Housing and Local Government, and

(*b*) "lease" includes an underlease, sublease or any tenancy, and any agreement for a lease, underlease, sublease or tenancy, and "lessee", "lessor" and "leasehold" shall be construed accordingly.

(2) In this Act—

"the Act of 1950" means the Housing (Scotland) Act 1950;

"the Scottish Act of 1954" means the Housing (Repairs and Rents) (Scotland) Act 1954;

"the Act of 1957" means the Housing Act 1957;

"the Scottish Act of 1957" means the Housing and Town Development (Scotland) Act 1957;

"the Act of 1958" means the Housing (Financial Provisions) Act 1958;

"the Act of 1959" means the House Purchase and Housing Act 1959;

"the Act of 1961" means the Housing Act 1961;

"the Act of 1962" means the Housing (Scotland) Act 1962.

(3) References in this Act to any enactment are references to that enactment as amended by or under any other enactment, including this Act.

(4) Until 1st April 1965 this Act shall have effect subject to the following modifications, that is to say—

(*a*) in the definition of "local authority" in section 12, in section 44(1) and in section 96, for the words "London borough" there shall be substituted the words "metropolitan borough";

(*b*) in Part IV, "local authority" shall have, in relation to London, the meaning given by section 23(8) of the Act of 1961.

PART V

(5) Subsection (5) (concurrent powers of Greater London Council) of section 21 of the London Government Act 1963 shall apply in relation to any of the powers of a local authority under this Act as it applies in relation to any of the powers of a local authority under any of the enactments referred to in subsection (1) of that section; and, for the purposes of its application in accordance with this subsection, the said subsection (5) shall have effect as if the reference to that Act not being passed were a reference to that Act not being passed and this Act continuing to have effect subject to the modifications set out in subsection (4) of this section.

General application to Scotland.

107. The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland, that is to say—

(*a*) for any reference in this Act to a mortgage, a mortgagor or a mortgagee there shall be substituted respectively a reference to a heritable security, a debtor in a heritable security and the creditor in a heritable security;

(*b*) "heritable security" has the same meaning in this Act as in the Conveyancing (Scotland) Act 1924 except that it includes a security constituted by ex facie absolute disposition or assignation;

(*c*) "the Rent Acts" means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939;

(*d*) any provision in this Act for an application to the county court shall be construed as a provision for an application to the sheriff, and references to the county court or to the court shall be construed accordingly;

(*e*) any application to the sheriff under this Act shall be conducted and disposed of in like manner as proceedings brought under the Small Debt (Scotland) Acts 1837 to 1889, and the determination of the sheriff on any such application shall be final and conclusive;

(*f*) any provision in this Act for an appeal to the county court shall be construed as a provision for an appeal to the sheriff, and references to the county court or to the court shall be construed accordingly; and the provisions of section 166 of the Act of 1950 (other than subsection (3) of that section) shall apply to any such appeal to the sheriff as they apply to appeals to the sheriff under that Act.

PART V
Short title, citation, repeals, extent and commencement.

108.—(1) This Act may be cited as the Housing Act 1964, and—

(*a*) the Act of 1957, the Act of 1958, the Act of 1959, the Act of 1961 and this Act may be cited together as the Housing Acts 1957 to 1964; and

(*b*) the Housing (Scotland) Acts 1950 to 1962 and this Act may be cited together as the Housing (Scotland) Acts 1950 to 1964.

(2) The Acts mentioned in Schedule 5 to this Act shall be repealed to the extent specified in the third column of that Schedule.

(3) This Act, except paragraph 2(10) of Schedule 1, shall not extend to Northern Ireland.

(4) Subject to the following subsection, this Act shall come into force at the expiration of the period of one month beginning with the date on which it is passed.

(5) Part I of this Act and the following provisions of Part V of this Act, that is—

(*a*) section 99, and

(*b*) sections 104 to 107, except section 106(5).

shall come into force on the passing of this Act; and the said section 106(5) shall come into force on 1st April 1965.

SCHEDULES

Section 1.

SCHEDULE 1

CONSTITUTION ETC. OF HOUSING CORPORATION

1. The Corporation shall be a body corporate with perpetual succession and a common seal.

2.—(1) The members of the Corporation, of whom there shall be not more than nine, shall be appointed by the Minister and the Secretary of State acting jointly, and the Minister and the Secretary of State so acting shall appoint one of those members to be Chairman and one to be Deputy Chairman.

(2) Subject to the following provisions of this Schedule, a member of the Corporation, and the Chairman and Deputy Chairman, shall hold and vacate office as such in accordance with the terms of his appointment.

(3) If the Chairman or Deputy Chairman of the Corporation ceases to be a member of the Corporation, he shall also cease to be Chairman or Deputy Chairman.

(4) A member of the Corporation may, by notice in writing addressed to the Minister or the Secretary of State, resign his membership, and the Chairman or Deputy Chairman may, by the like notice, resign his office as such.

(5) If the Minister and the Secretary of State are satisfied that a member of the Corporation—

(*a*) has become bankrupt or made an arrangement with his creditors; or

(*b*) is incapacitated by physical or mental illness; or

(*c*) has been absent from meetings of the Corporation for a period longer than three consecutive months without the permission of the Corporation; or

(*d*) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,

they may remove him from his office as a member of the Corporation.

In the application of this sub-paragraph to Scotland, for the references in head (*a*) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

(6) A member of the Corporation who ceases to be a member or ceases to be Chairman or Deputy Chairman shall be eligible for re-appointment.

(7) The Minister may, out of moneys provided by Parliament, pay the persons holding office as Chairman, Deputy Chairman or member of the Corporation such remuneration in respect of that office as the Minister and the Secretary of State acting jointly

may with the consent of the Treasury determine, and the Corporation may pay to those persons such reasonable allowances as may be so determined in respect of expenses properly incurred by them in the performance of their duties.

(8) In the case of any such person as the Minister and the Secretary of State acting jointly may with the consent of the Treasury determine, the Minister may in respect of that person's office as Chairman, Deputy Chairman or member of the Corporation, pay out of moneys provided by Parliament such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or other payments towards provision for such pension, allowance or gratuity, as may be so determined; and as soon as may be after the making of any determination under this sub-paragraph, the Minister shall lay before each House of Parliament a statement of the amount of the pension, allowance or gratuity or the contributions or other payments towards pension, allowance or gratuity, as the case may be, payable in pursuance of the determination.

(9) Section 15 of the Local Government Superannuation Act 1953 (which enables local authorities to admit to their superannuation schemes employees of statutory undertakers) as extended by section 1(5) of this Act, shall apply to members of the Corporation as if they were employees of the Corporation; but where a member of the Corporation is admitted by virtue of this sub-paragraph to participate in the benefits of a superannuation fund maintained by a local authority, then—

(*a*) the last foregoing sub-paragraph shall not apply to him; and

(*b*) the Minister shall make out of moneys provided by Parliament any payments which in consequence of the admission agreement are required to be made to the superannuation fund in respect of him by the employing authority, and may make from his remuneration any deductions which in consequence of that agreement the employing authority might make in respect of his contributions to that fund.

(10) In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies the bodies of which the members are disqualified under that Act) as it applies to the House of Commons of the Parliament of the United Kingdom, after the entry relating to the Herring Industry Board, there shall be inserted the words "The Housing Corporation".

This sub-paragraph shall extend to Northern Ireland.

3.—(1) The quorum of the Corporation and the arrangements relating to its meetings shall, subject to any directions given by the Minister and the Secretary of State acting jointly, be such as the Corporation may determine.

(2) The validity of any proceedings of the Corporation shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

4.—(1) The fixing of the seal of the Corporation shall be authenticated by the signature of the Chairman or of some other member

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authorised generally or specially by the Corporation to act for that purpose.

(2) Any document purporting to be a document duly executed under the seal of the Corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

5. It shall be within the capacity of the Corporation as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the exercise or performance of their functions under this Act.

Section 56.

SCHEDULE 2

IMPROVEMENT AND STANDARD GRANTS: RENT LIMIT

1. If, in pursuance of a proposal made before 1st April 1964, or made on the ground of a change in the occupier or in the circumstances of occupation, the gross value shown for a hereditament in the valuation list is varied after 13th November 1963 then, as regards any rental periods (whether beginning before or after the variation) the 1963 gross value of a dwelling being or forming part of that hereditament shall be ascertained by reference to the gross value as so varied.

2. Where a dwelling was produced by the conversion of any premises and the conversion resulted in a change in the valuation list after 13th November 1963, any entry in that list before the change shall be disregarded.

3. Where a dwelling is or forms part of a hereditament for which no gross value was shown in the valuation list on 13th November 1963 (including cases where any gross value so shown is to be disregarded under paragraph 2 of this Schedule) section 56 of this Act and paragraph 1 of this Schedule shall have effect in relation to the dwelling as if for the references to that date there were substituted references to the first subsequent date on which a gross value for that hereditament was shown in the valuation list.

4. Where, in pursuance of a proposal made on the ground of a change in the occupier, or in the circumstances of occupation, the gross value shown in the valuation list is varied so as to take account of the state of the dwelling at a date after 13th November 1963, a reference to that date shall, in relation to that dwelling, be substituted for the reference in section 5 of the Rent Act 1957 as modified by section 56(4) of this Act to the said 13th November 1963.

5. Where a dwelling consists of or forms part of more than one hereditament, the 1963 gross value of the dwelling shall be ascertained by determining the 1963 gross value of each hereditament or part as if it were a separate dwelling and aggregating the gross values so determined.

SCHEDULE 3

Section 71.

APPLICATION OF PART II OF ACT OF 1961 AS AMENDED TO SCOTLAND

PART I

ADAPTATIONS OF PART II OF ACT OF 1961

1. For any reference to the Housing Act 1957 there shall be substituted a reference to the Housing (Scotland) Act 1950.

2. (*a*) Any provision for an application to a county court shall be construed as a provision for an application to the sheriff, and references to a county court shall be construed accordingly; and any such application to the sheriff shall be conducted and disposed of in like manner as proceedings brought under the Small Debt (Scotland) Acts 1837 to 1889, and the determination of the sheriff on any such application shall be final and conclusive;

(*b*) Any provision for an appeal to a magistrates' court or to a county court shall be construed as a provision for an appeal to the sheriff, and references to a magistrates' court or to a county court shall be construed accordingly; and the provisions of section 166 of the Housing (Scotland) Act 1950 (other than subsection (3) of that section) shall apply to any such appeal to the sheriff as they apply to appeals to the sheriff under that Act.

3. For any reference to the Minister there shall be substituted a reference to the Secretary of State.

4. Any reference to an agent or trustee shall include a reference to a tutor, curator, or factor.

5. In section 12—

(*a*) in subsection (6), the reference to thirty-five days shall be a reference to forty-two days; and

(*b*) for subsection (7) there shall be substituted the following subsection—

"(7) As soon as practicable after an order under this section has come into force the local authority shall cause the order to be recorded in the General Register of Sasines, and if any such order is revoked the authority shall as soon as practicable cause to be recorded in the General Register of Sasines a notice stating that the order has been revoked.".

6. In section 13(1), for the words "in common use", wherever they occur, there shall be substituted the words "used in common by persons living in the house", and after paragraph (*c*) there shall be inserted the following paragraph—

"(*cc*) of the roof and windows forming part of the house".

7. In section 15—

(*a*) in subsection (1)(*a*), for the reference to subsection (2) of section thirty-nine of the principal Act there shall be substituted a reference to section 7(3) of the principal Act; and

(*b*) in subsection (1)(*b*), the words "at a rackrent", wherever they occur, shall be omitted.

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8. In section 16—

(*a*) in subsection (2), the words " under the Fire Services Act, 1947 " shall be omitted, for the words " that Act " there shall be substituted the words " the Fire Services Act 1947 ", and the words " and, in the administrative county of London, shall not serve such a notice except with the consent of the London County Council " shall be omitted ;

(*b*) " fire authority " means, in relation to any area, the authority for the time being constituted the fire authority for that area by the Fire Services Act 1947, except that in relation to an area the fire brigade for which is administered by such a joint committee as is mentioned in section 36(4)(*b*) of that Act, it means that joint committee.

9. In section 18—

(*a*) for subsections (3) to (5) there shall be substituted the following subsections—

" (3) Subsections (3), (4) and (5) of section 8 of the principal Act (which relate to the recovery by a local authority of expenses incurred by them in executing works on an insanitary house) shall, subject to any necessary modifications, apply for the purpose of enabling a local authority to recover any expenses reasonably incurred by them under this section in carrying out works in pursuance thereof as they apply for the purpose of enabling a local authority to recover the first-mentioned expenses, so, however, that the expenses incurred by a local authority in carrying out works in pursuance of this section shall be recoverable from the person on whom the notice was served or, if he was only properly served with the notice as trustee, tutor, curator, factor or agent for or of some other person, then either from him or from that other person, or in part from him and as to the remainder from that other person.

(4) Section 16 of the Act of 1950 (appeals) shall apply in relation to a demand by a local authority for the recovery of expenses incurred by them in carrying out works in pursuance of this section and in relation to an order made by a local authority with respect to any such expenses.

(5) Where under this section a local authority have themselves incurred expenses in the execution of works, it shall be competent for them to make a charging order in favour of themselves in respect of such expenses, and subsections (2) to (4) of section 20, and section 21, of the principal Act shall, with any necessary modifications, apply to a charging order so made in like manner as they apply to a charging order made under the said section 20 and as if any reference in the said section 21 to Part II of the principal Act included a reference to this Part of this Act." ;

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(*b*) in subsection (6)(*b*), for the words from " the number " to " were executed " there shall be substituted the words " those works had not been executed " ;

(*c*) subsection (7) shall not apply ;

(*d*) in subsection (8), the words " or the highest rate " shall be omitted, and for the reference to subsection (6) of section ten of the principal Act there shall be substituted a reference to section 8(3) of the principal Act ;

(*e*) subsection (9) shall not apply.

10. In section 19—

(*a*) in subsection (8), for the reference to thirty-five days there shall be a reference to forty-two days ;

(*b*) in subsection (9)(*c*), after the word " names " there shall be inserted the words " ages and sex ", and after the words " individuals and " there shall be inserted the words " the names of " ;

(*c*) in subsection (11), the references to section ninety of the principal Act, and the words from " In this subsection " to the end, shall be omitted ; and

(*d*) in subsection (12), the words from " and shall be " to the end shall be omitted.

11. Section 20 shall not apply.

12. In section 21(1), after paragraph (*b*) there shall be inserted the words " (being in either case a building all the dwellings in which are owned by the same person) ".

13. In section 22(4), for the reference to section one hundred and seventy of the principal Act there shall be substituted a reference to section 168 of the principal Act.

14. In section 23—

(*a*) for subsection (2) there shall be substituted the following subsection—

" (2) If the superior or owner of any lands and heritages gives notice to the local authority of his estate in those lands and heritages, the authority shall give to him notice of any proceedings taken by them in pursuance of the foregoing provisions of this Part of this Act in relation to those lands and heritages or any part thereof." ;

(*b*) in subsection (3), for the reference to any covenant or contract there shall be substituted a reference to any agreement or stipulation ;

(*c*) in subsection (7)—

(i) for paragraph (*a*) there shall be substituted the following paragraph—

" (*a*) any person holding the interest of the lessee under a sublease of the house ; and " ;

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(ii) in paragraph (*b*), "the Rent Acts" means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939;

(*d*) subsections (8) and (9) shall not apply.

15. Sections 24 to 27 shall not apply.

PART II

ADAPTATIONS OF SECTIONS 64 TO 70 OF THIS ACT

1. In section 64—

(*a*) subsections (1) to (5) and (8) shall not apply;

(*b*) in subsections (6) and (7), for the references to a mortgagee there shall be substituted references to the creditor in a heritable security, and "heritable security" has the same meaning as in the Conveyancing (Scotland) Act 1924 except that it includes a security constituted by ex facie absolute disposition or assignation.

2. In section 65—

(*a*) in subsection (4), for the references to the Act of 1957 there shall be substituted references to the Act of 1950;

(*b*) in subsection (5)(*b*), for the reference to the court there shall be substituted a reference to the sheriff.

3. In section 66 for the reference to the Act of 1957 there shall be substituted a reference to the Act of 1950.

4. In section 68 any reference to a justice of the peace shall include a reference to the sheriff and to a magistrate.

5. In section 69 for the references to a tenement block there shall be substituted references to a tenement all the dwellings in which are owned by the same person.

PART III

PART II OF ACT OF 1961, AS AMENDED, IN ITS APPLICATION TO SCOTLAND

"AMENDMENTS OF HOUSING (SCOTLAND) ACT 1950

Houses in multiple occupation

Power to apply management code to houses in multiple occupation.

12.—(1) If it appears to a local authority that a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family is in an unsatisfactory state in consequence of failure to maintain proper standards of management and, accordingly, that it is necessary that the regulations made under the following provisions of this Part of this Act should apply to the house, the local authority may by order direct that those regulations shall so apply; and so long as the order is in force the regulations shall apply in relation to the house accordingly.

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(2) Not less than twenty-one days before making an order under this section, the local authority shall—

(*a*) serve on an owner of the house, and on every person who is to their knowledge a lessee of the house, notice of their intention to make the order, and

(*b*) post such a notice in some position in the house where it is accessible to those living in the house,

and shall afford to any person on whom a notice is so served an opportunity of making representations regarding their proposal to make the order.

(3) An order under this section shall come into force on the date on which it is made, and the local authority shall within seven days from the making of the order—

(*a*) serve a copy of the order on an owner of the house and on every person who is to the knowledge of the local authority a lessee of the house, and

(*b*) post a copy of the order in some position in the house where it is accessible to those living in the house.

(4) A person on whom a copy of the order is served under the last foregoing subsection, and any other person who is a lessee of the house, may, within fourteen days from the latest date by which copies of the order are required to be served, appeal to the sheriff on the ground that the making of the order was unnecessary.

(5) On an appeal under the last foregoing subsection the sheriff shall take into account the state of the house at the time when the local authority under subsection (2) of this section served notice of their intention to make the order, as well as at the time of the making of the order, and shall disregard any improvement in the state of the house between those times unless the sheriff is satisfied that effective steps have been taken to ensure that the house will in future be kept in a satisfactory state ; and if the sheriff allows the appeal, he shall revoke the order, but without prejudice to its operation prior to the revocation, and without prejudice to the making of a further order.

(6) A local authority may at any time on the application of a person having an estate or interest in the house revoke an order under this section, and if a local authority refuse an application under this subsection, or do not within forty-two days from the making of the application, or within such further period as the applicant may in writing allow, notify the applicant of their decision on the application, the applicant may appeal to the sheriff and the sheriff, if of opinion that there has been a substantial change in the circumstances since the making of the order, and that it is in other respects just to do so, may revoke the order.

(7) As soon as practicable after an order under this section has come into force the local authority shall cause the order to be recorded in the General Register of Sasines, and if any such order is revoked the authority shall as soon as practicable cause to be recorded in the General Register of Sasines a notice stating that the order has been revoked.

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Regulations prescribing management code.

13.—(1) With a view to providing a code for the management of houses which may be applied under the last foregoing section, the Secretary of State may by regulations contained in a statutory instrument make provision for the purpose of ensuring that the person managing a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family observes proper standards of management.

Without prejudice to the generality of the foregoing provisions of this section, regulations under this section may, in particular, require the person managing the house to ensure the repair, maintenance, cleansing and good order—

(*a*) of all means of water supply and drainage in the house,

(*b*) of kitchens, bathrooms and water closets used in common by persons living in the house,

(*c*) of sinks and wash-basins used in common by persons living in the house,

(*cc*) of the roof and windows forming part of the house,

(*d*) of common staircases, corridors and passage ways, and

(*e*) of outbuildings, yards and gardens used in common by persons living in the house,

and to make satisfactory arrangements for the disposal of refuse and litter from the house.

(2) For the purposes of the foregoing subsection and regulations made under this section, the person managing a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family shall be defined as—

(*a*) the person who is an owner or a lessee of the house and who, directly or through a trustee, tutor, curator, factor or agent, receives rents or other payments from persons who are tenants of parts of the house, or who are lodgers, and

(*b*) where those rents or other payments are received through another person as his trustee, tutor, curator, factor or agent, that other person,

but the foregoing definition may be varied or replaced by regulations under this section.

(3) Regulations under this section—

(*a*) may make different provision for different types of houses,

(*b*) may provide for keeping a register of the names and addresses of those who are managers of houses,

(*c*) may impose duties on persons who have an estate or interest in a house or any part of a house to which the regulations apply as to the giving of information to the local authority, and in particular may make it the duty of any person who acquires or ceases to hold an estate or interest in the house to notify the local authority,

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(*d*) may impose duties on persons who live in the house for the purpose of ensuring that the person managing the house can effectively carry out the duties imposed on him by the regulations,

(*e*) may authorise the local authority to obtain information as to the number of individuals or households accommodated in the house,

(*f*) may make it the duty of the person managing the house to cause a copy of the order, and of the regulations, to be displayed in a suitable position in the house, and

(*g*) may contain such other incidental and supplementary provisions as may appear to the Secretary of State to be expedient.

(4) If any person knowingly contravenes or without reasonable excuse fails to comply with any regulation under this section as applied under this Act in relation to any house he shall be liable on summary conviction—

(*a*) where he has not previously been convicted of an offence under this section, to a fine not exceeding twenty pounds, and

(*b*) where he has previously been convicted of an offence under this section, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both.

(5) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Power to require doing of work to make good neglect of proper standards of management.

14.—(1) If in the opinion of the local authority the condition of a house to which regulations under the last foregoing section for the time being apply is defective in consequence of neglect to comply with the requirements imposed by the regulations, or, in respect of a period falling wholly or partly before the regulations applied to the house, neglect to comply with standards corresponding to the requirements imposed by the regulations, the local authority may serve on the person managing the house (as defined by or under the last foregoing section) a notice specifying the works which in the opinion of the local authority are required to make good the neglect, and requiring the person on whom the notice is served to execute those works.

(2) If it is not practicable after reasonable inquiry to ascertain the name or address of the person managing the house as so defined, the notice under this section may be served by addressing it to him by the description of 'manager of the house' (naming the house to which it relates) and by delivering it to some person on the premises.

(3) A notice under this section shall require the execution of the works within such period, being not less than twenty-one days from service of the notice, as may be specified in the notice, but that period may from time to time be extended by written permission of the local authority.

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(4) Where a local authority serve a notice on any person under this section they shall inform any other person who is to their knowledge an owner or lessee of the house or the creditor in a heritable security over the house of the fact that such a notice has been served.

(5) A person on whom a notice is served under this section and any other person who is an owner or lessee of the house, or the creditor in a heritable security over the house, to which the notice relates, may, within twenty-one days of service of the notice, or within such longer period as the local authority may in writing allow, appeal to the sheriff on any of the following grounds which are appropriate in the circumstances of the particular case—

(*a*) that the condition of the house did not justify the local authority in requiring the execution of the works specified in the notice,

(*b*) that there has been some informality, defect or error in, or in connection with, the notice,

(*c*) that the local authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary,

(*d*) that the time within which the works are to be executed is not reasonably sufficient for the purpose, and

(*e*) that some person other than the appellant is wholly or in part responsible for the state of affairs calling for the execution of the works, or will as the holder of an estate or interest in the premises derive a benefit from the execution of the works, and that that person ought to pay the whole or any part of the expenses of executing the works.

(6) If and so far as an appeal under this section is based on the ground of some informality, defect or error in, or in connection with, the notice, the sheriff shall dismiss the appeal if he is satisfied that the informality, defect, or error was not a material one.

(7) Where the grounds on which an appeal is brought under this section include the ground specified in paragraph (*e*) of subsection (5) of this section, the appellant shall serve a copy of his notice of appeal on each other person referred to, and on the hearing of the appeal the sheriff may make such order as he thinks fit with respect to the payment to be made by any such other person to the appellant, or, where the work is executed by the local authority, to the local authority.

Power to require execution of works of other descriptions.

15.—(1) If the condition of a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family, is, in the opinion of the local authority, so far defective with respect to any of the following matters, that is to say—

natural and artificial lighting,

ventilation,

water supply,

personal washing facilities,

drainage and sanitary conveniences,

facilities for the storage, preparation and cooking of food and for the disposal of waste water, or

installations for space heating or for the use of space heating appliances,

having regard to the number of individuals or households, or both, accommodated for the time being on the premises, as not to be reasonably suitable for occupation by those individuals or households, the local authority may serve either—

(*a*) on the person having control of the house (as defined by section 7(3) of the principal Act), or

(*b*) on any person to whom the house is let, or on any person who, as the trustee, tutor, curator, factor or agent of a person to whom the house is let, receives rents or other payments from tenants of parts of the house or lodgers in the house,

a notice specifying the works which in the opinion of the local authority are required for rendering the premises reasonably suitable for such occupation as aforesaid, and requiring the person on whom the notice is served to execute those works.

(2) If the local authority are satisfied that after the service of the notice the number of individuals living on the premises has been reduced to a level which will make the work specified in the notice unnecessary, and that, either in consequence of their exercise of the powers conferred by the following provisions of this Part of this Act to limit the number of persons living on the premises or otherwise, that number will be maintained at or below that level, they may notify in writing the person on whom the notice was served of the withdrawal of the notice, but the withdrawal of the notice shall be without prejudice to the issue of a further notice.

(3) A notice under this section shall require the execution of the works within such period, being not less than twenty-one days from the service of the notice, as may be specified in the notice, but that period may from time to time be extended by written permission of the local authority.

(4) Where a local authority serve a notice on any person under this section they shall inform any other person who is to their knowledge an owner or lessee of the house or the creditor in a heritable security over the house of the fact that such a notice has been served.

Provision of means of escape from fire.

16.—(1) If it appears to a local authority that a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family, is not provided with such means of escape from fire as the local authority consider necessary, the local authority may, subject to this section, serve on any person on whom a notice may be served under section 15 of this Act a notice specifying the works which in the opinion of the local authority are required to provide such means of escape, and requiring the person on whom the notice is served to execute those works.

(2) A local authority who are not the fire authority for the area in which the house is situated, or who have, under section 12

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of the Fire Services Act 1947, delegated all their functions in respect of that area to another fire authority, shall, before serving a notice under this section, consult with the fire authority concerned.

(3) Subsections (3) and (4) of section 15 of this Act shall apply to a notice under this section as they apply to a notice under that section.

(4) In this section 'fire authority' means, in relation to any area, the authority for the time being constituted the fire authority for that area by the Fire Services Act 1947, except that in relation to an area the fire brigade for which is administered by such a joint committee as is mentioned in section 36(4)(*b*) of that Act, it means that joint committee.

Right of appeal against notice requiring execution of works.

17.—(1) A person on whom a notice is served under either of the two last foregoing sections and any other person who is an owner or lessee of the house, or the creditor in a heritable security over the house, to which the notice relates, may, within twenty-one days from the service of the notice, or within such longer period as the local authority may in writing allow, appeal to the sheriff on any of the following grounds which are appropriate in the circumstances of the particular case—

(*a*) that the condition of the house did not justify the local authority, having regard to the considerations in section 15(1) of this Act, in requiring the execution of the works specified in the notice, or, in the case of a notice under the last foregoing section, that the notice is not justified by the terms of that section,

(*b*) that there has been some informality, defect or error in, or in connection with, the notice,

(*c*) that the local authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary,

(*d*) that the time within which the works are to be executed is not reasonably sufficient for the purpose, and

(*e*) that some person other than the appellant is wholly or in part responsible for the state of affairs calling for the execution of the works, or will as the holder of an estate or interest in the premises derive a benefit from the execution of the works, and that that person ought to pay the whole or any part of the expenses of executing the works.

(2) If and so far as an appeal under this section is based on the ground of some informality, defect or error in, or in connection with, the notice, the sheriff shall dismiss the appeal if he is satisfied that the informality, defect or error was not a material one.

(3) Where the grounds upon which an appeal under this section is brought include the ground specified in paragraph (*e*) of subsection (1) of this section, the sheriff, if satisfied that any other person referred to in the notice of appeal has had proper notice

of the appeal, may on the hearing of the appeal make such order as he thinks fit with respect to the payment to be made by that other person to the appellant or, where the work is executed by the local authority, to the local authority.

(4) If on an appeal under this section against a notice served under section 15 of this Act the sheriff is satisfied that the number of persons living in the house has been reduced, and that adequate steps (whether by the exercise by the local authority of the powers conferred by the following provisions of this Part of this Act to limit the number of persons living in the house or otherwise) have been taken to prevent that number being again increased, the sheriff may if he thinks fit revoke the notice or vary the list of works specified in the notice.

Carrying out of works by local authority.

18.—(1) If a notice under section 14, section 15 or section 16 of this Act is not complied with, then, after the expiration of the time within which the works are required to be executed or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, and the works are not completed within twenty-eight days from the final determination of such appeal or such longer period as the sheriff in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice (with any variation made by the sheriff).

(2) Notwithstanding the foregoing subsection, if the person on whom the notice was served notifies the local authority in writing that he is not able to do the work in question, the local authority may, if they think fit, themselves do the work forthwith.

(3) Subsections (3), (4) and (5) of section 8 of the principal Act (which relate to the recovery by a local authority of expenses incurred by them in executing works on an insanitary house) shall, subject to any necessary modifications, apply for the purpose of enabling a local authority to recover any expenses reasonably incurred by them under this section in carrying out works in pursuance thereof as they apply for the purpose of enabling a local authority to recover the first-mentioned expenses, so, however, that the expenses incurred by a local authority in carrying out works in pursuance of this section shall be recoverable from the person on whom the notice was served or, if he was only properly served with the notice as trustee, tutor, curator, factor or agent for or of some other person, then either from him or from that other person, or in part from him and as to the remainder from that other person.

(4) Section 16 of the Act of 1950 (appeals) shall apply in relation to a demand by a local authority for the recovery of expenses incurred by them in carrying out works in pursuance of this section and in relation to an order made by a local authority with respect to any such expenses.

(5) Where under this section a local authority have themselves incurred expenses in the execution of works, it shall be competent for them to make a charging order in favour of themselves in respect of such expenses, and subsections (2) to (4) of section 20, and section 21, of the principal Act shall, with any necessary

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modifications, apply to a charging order so made in like manner as they apply to a charging order made under the said section 20 and as if any reference in the said section 21 to Part II of the principal Act included a reference to this Part of this Act.

(6) If a local authority applies to the sheriff and satisfies him—

(*a*) that any expenses reasonably incurred by them under this section (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.

(8) Any interest payable under this section shall be at the rate for the time being fixed under section 8(3) of the principal Act.

Penalty for failure to execute works.

18A.—(1) Subject to this section, if a person on whom a notice has been served under section 14, section 15 or section 16 of this Act wilfully fails to comply with the notice, he shall be liable on summary conviction—

(*a*) in the case of a first offence under this subsection, to a fine not exceeding one hundred pounds, and

(*b*) in the case of a second or subsequent offence under this subsection to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both.

(2) If the local authority, after receiving notification in writing under section 18(2) of this Act from the person on whom the notice requiring the execution of works was served that he is not able to do the work in question, serve notice that they propose to do the work and relieve the person served with the notice from liability under this section, no liability shall arise under this section in respect of the notice requiring the execution of works.

(3) Subsection (1) of this section shall be without prejudice to the exercise by the local authority of their powers of carrying out the works under the said section 18.

(4) Section 159 of the principal Act (which confers powers of entry for the purposes mentioned in that section) shall apply to entry for the purpose of ascertaining whether there has been an offence under this section, but so much of the said section 159 as requires notice to be given of the intended entry shall not apply to entry for the purpose mentioned in this subsection.

The provisions of this subsection are without prejudice to section 28(2) of this Act.

(5) For the purposes of this section,—

(*a*) where no appeal is brought against a notice under section 14, section 15 or section 16 of this Act, the notice is not complied with if the works specified in the notice are not

completed within the period so specified, with any extension duly permitted by the local authority, and

(*b*) where an appeal is brought against any such notice, the notice, in so far as it is confirmed on appeal, is not complied with if the works specified in the notice are not completed within twenty-eight days from the final determination of the appeal, or such longer period as the sheriff in determining the appeal may fix,

and for the purposes of this subsection the withdrawal of an appeal shall be deemed to be the final determination thereof having the like effect as a decision confirming the notice appealed against.

(6) Subsections (4) and (5) of section 23 of this Act shall apply in relation to an offence punishable under this section.

Directions to prevent or reduce overcrowding in houses in multiple occupation.

19.—(1) A local authority may, for the purposes of preventing the occurrence of, or remedying, a state of affairs calling for the service of a notice or a further notice under section 15 of this Act, fix as a limit for the house what is in their opinion the highest number of individuals who should, having regard to the considerations set out in section 15(1), live in the house in its existing condition, and give a direction applying that limit to the house.

(2) A direction under the foregoing subsection shall have effect so as to make it the duty of the occupier for the time being of the house—

(*a*) not to permit any individual to take up residence in the house so as to increase the number of individuals living in the house to a number above the limit specified in the direction, and

(*b*) where the number of individuals living in the house is for the time being above the limit so specified and any individual ceases to reside in the house, not to permit any other individual to take up residence in the house.

In this subsection the reference to the occupier for the time being of the house shall include a reference to any person who is for the time being entitled or authorised to permit individuals to take up residence in the house or in part of the house.

(3) References in the foregoing subsections to a house include references to part of a house, and the local authority shall have regard to the desirability of applying separate limits where different parts of a house are, or are likely to be, occupied by different persons.

(4) Not less than seven days before giving a direction under this section, the local authority shall—

(*a*) serve on an owner of the house, and on every person who is to their knowledge a lessee of the house, notice of their intention to give the direction, and

(*b*) post such a notice in some position in the house where it is accessible to those living in the house,

and shall afford to any person on whom a notice is so served an opportunity of making representations regarding their proposal to give the direction.

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(5) The local authority shall within seven days from the giving of the direction—

(*a*) serve a copy of the direction on an owner of the house and on every person who is to the knowledge of the local authority a lessee of the house, and

(*b*) post a copy of the direction in some position in the house where it is accessible to those living in the house.

(6) The power conferred by subsection (1) of this section may be exercised as regards any premises notwithstanding the existence of any previous direction under that subsection laying down a higher maximum.

(7) A local authority may at any time, having regard to any works which have been executed in the house, or any other change of circumstances, and on the application of any person having an estate or interest in the house, revoke any direction given under subsection (1) of this section, or vary it so as to allow more people to be accommodated in the house.

(8) If a local authority refuse an application under the last foregoing subsection, or do not within forty-two days from the making of such an application, or within such further period as the applicant may in writing allow, notify the applicant of their decision on the application, the applicant may appeal to the sheriff, and on the appeal the sheriff shall have power to revoke the direction or vary it in any manner in which it might have been varied by the local authority.

(9) The local authority may from time to time serve on the occupier of a house or part of a house in respect of which a direction under this section is in force a notice requiring him to furnish them within seven days with a statement in writing giving all or any of the following particulars, that is to say—

(*a*) the number of individuals who are, on a date specified in the notice, living in the house or part of the house, as the case may be;

(*b*) the number of families or households to which those individuals belong;

(*c*) the names, ages and sex of those individuals and the names of the heads of each of those families or households; and

(*d*) the rooms used by those individuals and families or households respectively;

and if the occupier makes default in complying with the requirements or furnishes a statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(10) If any person knowingly fails to comply with the requirements imposed on him by subsection (2) of this section, he shall be guilty of an offence under this subsection.

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(11) A person committing an offence under the last foregoing subsection of this section shall be liable on summary conviction—

(*a*) where he has not previously been convicted of an offence under that subsection, to a fine not exceeding twenty pounds, and

(*b*) where he has previously been convicted of an offence under that subsection, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both.

(12) The powers conferred by this section shall be exercisable whether or not a notice has been given under section 15 of this Act.

Application of ss. 12 to 15 to certain buildings comprising separate dwellings.

21.—(1) Sections 12 to 15 of this Act shall apply—

(*a*) to a building which is not a house but comprises separate dwellings, two or more of which do not have a sanitary convenience and personal washing facilities accessible only to those living in the dwelling, and

(*b*) to a building which is not a house but comprises separate dwellings, two or more of which are wholly or partly let in lodgings or occupied by members of more than one family,

(being in either case a building all the dwellings in which are owned by the same person) as if references in those sections to a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family included references to any such building, but no direction shall be given under section 19 of this Act by virtue of this section in relation to such a building.

(2) If a local authority make an order under section 12 of this Act as applied by the foregoing subsection as respects a building at a time when another order under that section is in force as respects one of the dwellings in the building they shall revoke the last-mentioned order.

(3) References to a house in sections 17, 18 and 23 of this Act shall include references to a building to which this section applies.

Registers of houses in multiple occupation.

22.—(1) A local authority may make and submit to the Secretary of State for confirmation by him a scheme authorising the local authority to compile and maintain a register for their area—

(*a*) of houses which, or a part of which, are let in lodgings, or which are occupied by members of more than one family, and

(*b*) of buildings which comprise separate dwellings, two or more of which do not have a sanitary convenience and personal washing facilities accessible only to those living in the dwelling,

and the Secretary of State may if he thinks fit confirm the scheme with or without modifications.

(2) A scheme under this section shall not come into force until it has been confirmed and, subject to that, shall come into force

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on such date as may be fixed by the scheme, or if no date is so fixed, at the expiration of one month after it is confirmed.

(3) A scheme under this section need not be for the whole of the local authority's area and need not be for every description of house or building falling within paragraphs (*a*) and (*b*) of subsection (1) of this section, and—

(*a*) may prescribe the particulars to be inserted in the register, and

(*b*) may make it the duty of persons prescribed by the scheme to notify the local authority of the fact that the house or building appears to be registrable, and to give the local authority all or any of the prescribed particulars as regards the house or building, and

(*c*) may make it the duty of persons prescribed by the scheme to notify the local authority of any change which makes it necessary to alter the particulars inserted in the register as regards any house or building.

(4) Without prejudice to the provisions of section 168 of the principal Act (under which a local authority may require information as to the ownership of premises), a local authority may, for the purpose of ascertaining whether a house or building is registrable, and of ascertaining the particulars to be entered in the register as regards the house or building, require any person who has an estate or interest in, or who lives in, the house or building to state in writing any information in his possession which the local authority may reasonably require for that purpose, and any person who, having been required by a local authority in pursuance of this subsection to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding ten pounds.

(5) A scheme under this section may make a contravention or failure to comply with any provision in the scheme an offence under the scheme, and a person guilty of an offence under the scheme shall be liable on summary conviction to a fine not exceeding ten pounds.

(6) At least one month before a scheme is submitted to the Secretary of State for confirmation by him, notice of intention to submit the scheme shall be given in one or more newspapers circulating in the district of the local authority.

(7) As soon as a scheme under this section is confirmed by the Secretary of State, the local authority shall publish in one or more newspapers circulating in their district a notice stating the fact of such a scheme having been confirmed, and describing any steps which will have to be taken under the scheme by those concerned with registrable houses and buildings (other than steps which have only to be taken after a notice from the local authority), and naming a place where a copy of the scheme may be seen at all reasonable hours.

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(8) A copy of a scheme confirmed by the Secretary of State shall be printed and deposited at the offices of the local authority by whom it was made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum, not exceeding one shilling for every copy, as the local authority may determine.

(9) A scheme under this section may vary or revoke a previous scheme thereunder; and a local authority may at any time with the consent of the Secretary of State revoke a scheme by an order, notice of which shall be published by them in one or more newspapers circulating in their district.

(10) The production of a printed copy of a scheme purporting to be made by a local authority, upon which is indorsed a certificate purporting to be signed by the clerk to the authority stating—

(*a*) that the scheme was made by the local authority,

(*b*) that the copy is a true copy of the scheme,

(*c*) that on a specified date the scheme was confirmed by the Secretary of State,

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate in pursuance of this section.

Supplemental provisions.

23.—(1) If on an application made by a person required by a notice under the foregoing provisions of this Part of this Act to execute any works it appears to the sheriff that any other person having an estate or interest in the premises has unreasonably refused to give any consent required to enable the works to be executed, the sheriff may give the necessary consent in place of that other person.

(2) If the superior or owner of any lands and heritages gives notice to the local authority of his estate in those lands and heritages, the authority shall give to him notice of any proceedings taken by them in pursuance of the foregoing provisions of this Part of this Act in relation to those lands and heritages or any part thereof.

(3) Nothing in the foregoing provisions of this Part of this Act shall prejudice or interfere with the rights or remedies of any owner for breach, non-observance or non-performance of any agreement or stipulation entered into by a lessee in reference to any house in respect of which a notice requiring the execution of works is served by a local authority under the foregoing provisions of this Part of this Act, or as respects which regulations made under section 13 of this Act are for the time being in force; and if any owner is obliged to take possession of a house in order to comply with any such notice, the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance which has occurred before he so took possession.

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(4) Where an offence punishable under the foregoing provisions of this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where a person is convicted of an offence by virtue of the last foregoing subsection and the body corporate in question is under the foregoing provisions of this Part of this Act liable, as having been previously convicted of an offence, to a higher penalty than if it had not been previously convicted of any offence, that person shall be liable under the foregoing provisions of this Part of this Act to the same penalties as the body corporate, including the imprisonment to which it would be liable if a natural person:

Provided that he shall not be so liable if he shows that at the time of the first-mentioned offence he did not know of the body corporate's conviction for the earlier offence and that at the time of the earlier conviction he was not acting or purporting to act as a director, manager, secretary or other similar officer of the body corporate.

(6) Section 159 of the principal Act (which confers powers of entry for the purposes mentioned in that section) shall apply to entry for the purpose of ascertaining whether there has been a contravention of any regulation or direction made or given under the foregoing provisions of this Part of this Act, but so much of that section as requires notice to be given of the intended entry shall not apply to entry for the purpose mentioned in this subsection.

(7) In the foregoing provisions of this Part of this Act references to a lessee of a house and to a person to whom a house is let include references to—

(*a*) any person holding the interest of lessee under a sub-lease of the house; and

(*b*) any person who retains possession of the house by virtue of the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 and not as being entitled to any tenancy;

and references to a person having an estate or interest in the house include references to any such person as is mentioned in paragraph (*b*) of this subsection.

Execution of works under Part II.

23A. Section 161 of the principal Act (penalty for preventing execution of repairs) shall apply as if any reference in that section to Part II of the principal Act included a reference to this Part of this Act.

Overcrowded houses and execution of works in overcrowded houses.

23B.—(1) If the condition of a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family, is, in the opinion of the local authority, defective in one or more of the ways described in section 15(1) of this Act, having regard to the number of individuals or households, or both,

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accommodated for the time being on the premises, the notice which the local authority may serve under that subsection may be a notice specifying the works which in the opinion of the local authority are required for rendering the premises reasonably suitable for occupation by a number of individuals or households smaller than the number accommodated for the time being on the premises.

(2) A notice served in pursuance of the foregoing subsection shall specify the number of individuals or households, or both, which in the opinion of the local authority the premises could reasonably accommodate if the works specified in the notice were carried out, and one of the grounds on which an appeal may be brought under section 17 of this Act against such a notice shall be that the number so specified in the notice is unreasonably low.

(3) Where the local authority have in pursuance of the foregoing provisions of this section served a notice specifying the number of individuals or households, or both, which in the opinion of the local authority the premises could reasonably accommodate if the works specified in the notice were carried out, the local authority may adopt that number of individuals (or a number of individuals determined by reference to that number of households) in fixing a limit under section 19(1) of this Act as respects the house.

(4) No notice shall be served under section 15(1) of this Act in pursuance of subsection (1) of this section as respects a building which is not a house but to which the said section 15 is applied by section 21 of this Act.

Warrant to authorise entry.

23C.—(1) Where it is shown to the satisfaction of a justice of the peace, on sworn information in writing, that admission to premises specified in the information is reasonably required by a person employed by, or acting on the instructions of, a local authority for the purpose—

(*a*) of survey and examination to determine whether any powers under this Part of this Act should be exercised in respect of the premises, or

(*b*) of ascertaining whether there has been a contravention of any regulations or direction made or given under this Part,

the justice, subject to this section, may by warrant under his hand authorise that person to enter on the premises for the purposes mentioned in paragraphs (*a*) and (*b*) above, or for such of those purposes as may be specified in the warrant.

(2) A justice of the peace shall not grant a warrant under this section unless he is satisfied—

(*a*) that admission to the premises has been refused and, except where the purpose specified in the information is the survey and examination of premises to determine whether there has been a failure to comply with a notice under section 14, section 15 or section 16 of this Act, or is to ascertain whether there has been a contravention of any regulations or direction made or given under Part II of this Act, that admission was sought after not less than

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twenty-four hours' notice of the intended entry had been given to the occupier, or

(*b*) that an application for admission to the premises would defeat the object of the entry.

(3) Every warrant granted under this section shall continue in force until the purpose for which the entry is required has been satisfied.

(4) Any person who, in the exercise of a right of entry under this section, enters any premises which are unoccupied, or premises of which the occupier is temporarily absent, shall leave the premises as effectually secured against trespassers as he found them.

(5) Any power of entry conferred by this section—

(*a*) shall include power to enter, if need be, by force, and

(*b*) may be exercised by the person on whom it is conferred either alone or together with any other persons.

(6) In this section any reference to a justice of the peace shall include a reference to the sheriff and to a magistrate.

Management code to be available for dwellings in certain tenements.

23D.—(1) If on 13th November 1963 all or any of the dwellings in a tenement are without one or more of the standard amenities, sections 12 to 14 of this Act shall, after the coming into force of this section, apply to the tenement as if references in those sections to a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family included references to the tenement.

(2) If a local authority make an order under the said section 12 as applied by the foregoing subsection as respects a tenement at a time when another order under that section is in force as respects one of the dwellings in the tenement, they shall revoke the last-mentioned order.

(3) References to a house in sections 18 and 23 of this Act shall include references to a tenement to which this section applies.

(4) Expressions in this section to which meanings are given by Part II of the Housing Act 1964 shall have the same meaning in this section.

(5) In this section any references to a tenement are references to a tenement, all the dwellings in which are owned by the same person.

Applications and appeals to the sheriff.

23E.—(1) Any application to the sheriff under this Part of this Act shall be conducted and disposed of in like manner as proceedings brought under the Small Debt (Scotland) Acts 1837 to 1889, and the determination of the sheriff on any such application shall be final and conclusive.

(2) The provisions of section 166 of the principal Act (other than subsection (3) of that section) shall apply to any appeal to the sheriff under this Part of this Act as they apply to appeals to the sheriff under that Act.

Miscellaneous

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Interpretation and construction of Part II.

28.—(1) In this Part of this Act—

(*a*) 'the principal Act' means the Housing (Scotland) Act 1950,

(*b*) 'heritable security' has the same meaning as in the Conveyancing (Scotland) Act 1924 except that it includes a security constituted by ex facie absolute disposition or assignation.

(2) This Part of this Act shall be construed as one with the principal Act."

SCHEDULE 4

Section 87.

CONSEQUENCES OF CESSATION OF CONTROL ORDER

Transfer of landlord's interest in tenancies and agreements

1.—(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 75 of this Act shall have effect as if for the local 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 local 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.

*Exclusion of s.*11(2) *of Rent Act* 1957

2. The foregoing paragraph shall not be construed as creating for the purposes of section 11(2) of the Rent Act 1957 (release from control under Rent Acts) any tenancy coming into operation on the date when the control order ceases to have effect.

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

3. If under section 88 of this Act the county court modifies or determines a lease, the county court may include in the order modifying or determining the lease provisions for modifying the effect of paragraph 1 of this Schedule in relation to the lease.

Interpretation

4. References in 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.

Section 108.

SCHEDULE 5

REPEALS

Chapter	Short Title	Extent of Repeal
14 Geo. 6. c. 34.	The Housing (Scotland) Act 1950.	In section 114(1)(*b*), sub-paragraph (iii).
4 & 5 Eliz. 2. c. 52.	The Clean Air Act 1956	In section 13(1)(*a*) (except for the purposes of the application of that paragraph to expenses incurred before the coming into force of section 95 of this Act) the word " the " before " payments " and the words " which they are bound thereby to make ".
		Section 34(5).
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957 ...	The proviso to section 178(1).
		The proviso to section 179(1).
6 & 7 Eliz. 2. c. 42.	The Housing (Financial Provisions) Act 1958.	In Schedule 4, paragraph 3(*bb*).
7 & 8 Eliz. 2. c. 33.	The House Purchase and Housing Act 1959.	Section 6, except in relation to applications under section 4 of the Act made before the commencement of this Act.
		In section 11(3) the words from " the following sub-paragraph " to " and the said ".
		Section 14, except in relation to applications under section 13 of the Act made before the commencement of this Act.
		In section 24(3), sub-paragraph (iii) of the substituted paragraph (*b*).
		In Section 28(2) the words " subsection (6) of section fourteen ".
9 & 10 Eliz. 2. c. 65.	The Housing Act 1961 ...	In section 18(1) the words from " after the expiration " to " may fix ", in section 18(2) the words " before the expiration of the time mentioned in that subsection ", in section 18(3) the words " or summarily as a civil debt " and section 18(4), 18(7) and 18(9).
		In section 22(1) the words from the beginning to " commencement of this Act ".
		In section 22(3)(*b*) the words " as regards houses and buildings first becoming registrable after the compilation of the register ".
		Section 30 (2).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Local Loans Act 1875	38 & 39 Vict. c. 83.
Crofters Holdings (Scotland) Act 1886 ...	49 & 50 Vict. c. 29.
Industrial and Provident Societies Act 1893 ...	56 & 57 Vict. c. 39.
Increase of Rent and Mortgage Interest (Restrictions) Act 1920	10 & 11 Geo. 5. c. 17.
Increase of Rent and Mortgage Interest (Restrictions) Act 1920	10 & 11 Geo. 5. c. 17.
Conveyancing (Scotland) Act 1924	14 & 15 Geo. 5. c. 27.
Law of Property Act 1925	15 & 16 Geo. 5. c. 20.
Land Charges Act 1925	15 & 16 Geo. 5. c. 22.
National Loans Act 1939	2 & 3 Geo. 6. c. 117.
Rent of Furnished Houses Control (Scotland) Act 1943	6 & 7 Geo. 6. c. 44.
Furnished Houses (Rent Control) Act 1946 ...	9 & 10 Geo. 6. c. 34.
Water (Scotland) Act 1946	9 & 10 Geo. 6. c. 42.
Housing (Financial and Miscellaneous Provisions) Act 1946	9 & 10 Geo. 6. c. 48.
Acquisition of Land (Authorisation Procedure) Act 1946	9 & 10 Geo. 6. c. 49.
Housing (Financial Provisions) (Scotland) Act 1946	9 & 10 Geo. 6. c. 54.
New Towns Act 1946	9 & 10 Geo. 6. c. 68.
National Health Service (Scotland) Act 1947 ...	10 & 11 Geo. 6. c. 27.
Fire Services Act 1947	10 & 11 Geo. 6. c. 41.
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.
Companies Act 1948	11 & 12 Geo. 6. c. 38.
Agricultural Wages Act 1948	11 & 12 Geo. 6. c. 47.
Agricultural Holdings Act 1948	11 & 12 Geo. 6. c. 63.
Agricultural Wages (Scotland) Act 1949 ...	12, 13 & 14 Geo. 6. c. 30.
Agricultural Holdings (Scotland) Act 1949 ...	12, 13 & 14 Geo. 6. c. 75.
Housing (Scotland) Act 1950	14 Geo. 6. c. 34.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Local Government Superannuation Act 1953 ...	1 & 2 Eliz. 2. c. 25.
Summary Jurisdiction (Scotland) Act 1954 ...	2 & 3 Eliz. 2. c. 48.
Housing (Repairs and Rents) (Scotland) Act 1954	2 & 3 Eliz. 2. c. 50.
Housing Repairs and Rents Act 1954	2 & 3 Eliz. 2. c. 53.
Landlord and Tenant Act 1954	2 & 3 Eliz. 2. c. 56.
Crofters (Scotland) Act 1955	3 & 4 Eliz. 2. c. 21.
Clean Air Act 1956	4 & 5 Eliz. 2. c. 52.
House of Commons Disqualification Act 1957	5 & 6 Eliz. 2. c. 20.
Rent Act 1957	5 & 6 Eliz. 2. c. 25.
Housing and Town Development (Scotland) Act 1957	5 & 6 Eliz. 2. c. 38.
Housing Act 1957	5 & 6 Eliz. 2. c. 56.
Housing (Financial Provisions) Act 1958 ...	6 & 7 Eliz. 2. c. 42.
County Courts Act 1959	7 & 8 Eliz. 2. c. 22.
House Purchase and Housing Act 1959 ...	7 & 8 Eliz. 2. c. 33.
Town and Country Planning Act 1959 ...	7 & 8 Eliz. 2. c. 53.

Short Title	Session and Chapter
Town and Country Planning (Scotland) Act 1959	7 & 8 Eliz. 2. c. 70.
Charities Act 1960	8 & 9 Eliz. 2. c. 58.
Housing Act 1961	9 & 10 Eliz. 2. c. 65.
Housing (Scotland) Act 1962	10 & 11 Eliz. 2. c. 28.
Building Societies Act 1962	10 & 11 Eliz. 2. c. 37.
London Government Act 1963	1963. c. 33.

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