STATUTORY INSTRUMENTS

1975 No. 320 (S.41)

HOUSING, SCOTLAND

The Housing Associations (Prescribed Form of Notice to Tenants) (Scotland) Order 1975

Made - - - -	*5th March* 1975
Laid before Parliament -	11*th March* 1975
Coming into Operation -	1*st April* 1975

In exercise of the powers conferred on me by section 18(2) and (5) of the Housing Act 1974(a), and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Housing Associations (Prescribed Form of Notice to Tenants) (Scotland) Order 1975 and shall come into operation on 1st April 1975.

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

(3) In this order any reference to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

Prescribed form of notice to tenants

2. The form in the Schedule hereto, or a form substantially to the same effect, shall be the form of notice to be given by a housing association to a tenant pursuant to section 18(2) of the Housing Act 1974 (which requires notice to be given to a tenant whose tenancy, by virtue of section 18(1) of that Act, ceases to be one to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972(c) apply and becomes a protected tenancy for the purposes of the Rent (Scotland) Act 1971(d)).

William Ross

One of Her Majesty's Principal Secretaries of State.

St Andrew's House,
Edinburgh.
5th March 1975.

(a) 1974 c. 44.
(b) 1889 c. 63.
(c) 1972 c. 46.
(d) 1971 c. 28.

SCHEDULE

HOUSING ACT 1974

NOTICE TO TENANT OF UNREGISTERED HOUSING ASSOCIATION THAT HIS TENANCY IS NO LONGER EXCLUDED FROM PROTECTION UNDER THE RENT (SCOTLAND) ACT 1971 (*Notes* 1 *to* 3)

Housing Act 1974: section 18(2)

Date.....

To .....

.....

(Name and address of tenant)

This is to inform you that your tenancy is no longer excluded from protection under the Rent (Scotland) Act 1971. On..... (*Note* 4) your tenancy became a regulated tenancy under that Act. This means that you have the benefit of the security of tenure provisions in that Act and that there is a maximum amount of rent which you can be charged. (*Note* 5).

Signature of person authorised to give this notice

.....

Name of housing association

.....

*Strike out words in square brackets if they do not apply.

*[Registered office] [address] of housing association

.....

NOTES

1. This is the prescribed form of notice to be given by a housing association (subject to Note 2 below), which on or after 1st April 1975 is not registered in the register established and maintained by the Housing Corporation under section 13 of the Housing Act 1974, to a tenant whose tenancy, by virtue of section 18(1) of that Act, ceased to be one to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply and becomes a protected tenancy for the purposes of the Rent (Scotland) Act 1971.

2. No notice is to be given by an unregistered housing association if—

(a) the association is a society registered under the Industrial and Provident Societies Act 1965 and its rules restrict membership to persons who are tenants or prospective tenants of the association and preclude the granting or assignation of tenancies to persons other than members; or

(b) the association has made an application for registration to the Housing Corporation before 1st April 1975 and the application has not been disposed of by the Corporation.

3. The notice is to be given to the tenant within the period of 21 days beginning on the day on which his tenancy becomes a protected tenancy (see Note 4 below). Failure, without reasonable excuse, to comply with this requirement will render the association and in some circumstances its officers liable on summary conviction to a fine not exceeding £100.

4. The date to be inserted here is the date on which, by virtue of section 18(1) of the Housing Act 1974, the tenancy becomes a protected tenancy for the purposes of the Rent (Scotland) Act 1971. It cannot be earlier than 1st April 1975.

5. The maximum amount of rent which you can be charged depends on the application to your tenancy of Parts III and IV of the Rent (Scotland) Act 1971 and Schedule 3 to the Housing Act 1974. You may wish to obtain legal advice as to your rights and responsibilities under your tenancy. Information can be obtained from Rent Officers, Citizens' Advice Bureaux or a solicitor.

EXPLANATORY NOTE

(*This Note is not part of the Order*).

This Order prescribes the form of notice required to be given under section 18(2) of the Housing Act 1974 by an unregistered housing association to a tenant whose tenancy by virtue of section 18(1) of the 1974 Act becomes a protected tenancy for the purposes of the Rent (Scotland) Act 1971.

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