



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 2

#### SCHEME OF ASSISTANCE FOR HOUSING PURPOSES

##### *Supplementary*

#### **94      Directions and guidance**

- (1) The Scottish Ministers may give directions to local authorities in relation to the provision of assistance under this Part.
- (2) Directions under subsection (1) may, in particular, with a view to preventing the duplication of the making of grants or loans in respect of the same work, make provision as to the circumstances in which local authorities—
  - (a) may or may not exercise their powers, or
  - (b) are or are not to perform their duties,under this Part.
- (3) A direction under subsection (1) may be—
  - (a) given to a particular authority or to authorities generally,
  - (b) varied or revoked.
- (4) A direction under subsection (1) may not relate to the provision of assistance to a particular person or in relation to particular premises.
- (5) In exercising its functions under this Part, a local authority must have regard to any guidance issued by the Scottish Ministers.
- (6) Before issuing any such guidance the Scottish Ministers must consult—
  - (a) such bodies representing local authorities, and
  - (b) such other persons,as they think fit.
- (7) The Scottish Ministers may vary or revoke any such guidance.

*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross Heading: Supplementary. (See end of Document for details)*

**Commencement Information**

**I1** S. 94 in force at 1.4.2009 by S.S.I. 2009/122, art. 3

**95 Local authority powers for improvement of amenity of an area**

- (1) For the purpose of improving the amenity of a predominantly residential locality in its area, a local authority may—
- (a) carry out any work on any land or in any premises owned by it,
  - (b) assist (whether by grants or loans or otherwise) in the carrying out of work on any land or in any premises not owned by it,
  - (c) with the agreement of the owner of any land or premises carry out or arrange for the carrying out of work on that land or in those premises at the expense of the owner, of the authority or of both,
  - (d) acquire any land or premises—
    - (i) by agreement, or
    - (ii) with the authorisation of the Scottish Ministers, compulsorily.
- (2) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42) applies in relation to an acquisition under subsection (1)(d)(ii) as if that provision were contained in an Act of Parliament in force immediately before the commencement of that Act (with references in that Act to land being read, in the case of an acquisition of premises, as references to those premises).
- (3) Assistance may be provided under subsection (1)(b) on such terms as the local authority thinks fit.
- (4) This section does not apply in relation to—
- (a) any house, or
  - (b) any part of any premises which is a building which is, or which is capable of being, occupied.

**Commencement Information**

**I2** S. 95 in force at 1.4.2009 by S.S.I. 2009/122, art. 3

**96 Application of this Part to the Scottish Ministers**

Any power of a local authority to make grants or loans (including the powers to make payments under section 91(1) and to provide assistance under section 95(1)(b)), and any function of a local authority in relation to the making of grants or loans, under this Part is exercisable by the Scottish Ministers as it is by the local authority.

**Commencement Information**

**I3** S. 96 in force at 1.4.2009 by S.S.I. 2009/122, art. 3

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*Changes to legislation:* There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross Heading: Supplementary. (See end of Document for details)

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## 97 Interpretation of Part 2

(1) In this Part—

- “applicant's contribution” means an amount assessed under section 77,
- “approved expense” has the meaning given in section 76,
- “interest free element” means an amount determined under section 79(4),
- “minimum percentage grant” and “minimum percentage loan” have the meanings given in section 79(7),
- “repayment element” means an amount determined under section 79(5),
- “standard loan” means a loan made under this Part which is not a subsidised loan,
- “subsidised loan” means a loan made under this Part which is divided into two elements in accordance with section 79(3).

(2) In this Part—

- (a) references to grants or loans (excluding the reference in section 95(1)(b)) are to grants or loans provided under section 71(1), and
- (b) references to the applicant for a grant or loan are to be read, in relation to any time after an applicant dies, as references to the applicant's executor.

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### Commencement Information

**14** S. 97 in force at 1.4.2009 by S.S.I. 2009/122, art. 3

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross Heading: Supplementary.