

1975 No. 512**HOUSING, ENGLAND AND WALES****The Isles of Scilly (Housing) Order 1975**

Made - - - - - 25th March 1975

Laid before Parliament 26th March 1975

Coming into Operation 1st April 1975

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 103 of the Housing Finance Act 1972(a), as substituted by section 17(4) of and paragraph 7(1) of Schedule 5 to the Housing Rents and Subsidies Act 1975(b), and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Isles of Scilly (Housing) Order 1975 and shall come into operation on 1st April 1975.

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

(3) In this order—

“the 1974 Act” means the Housing Act 1974(d);

“the 1975 Act” means the Housing Rents and Subsidies Act 1975;

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

“the rent provisions” means sections 7 to 11 of and Schedules 2 to 4 to the 1975 Act; and

“the Isles” means the Isles of Scilly.

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

The 1974 Act

2.—(1) The 1974 Act, with the exception of section 126 thereof, shall, in so far as it does not already so extend, extend to the Isles.

(2) The 1974 Act (other than section 126) shall have effect, in its application to the Isles, subject to the adaptations and modifications specified in Part I of the Schedule to this order.

(a) 1972 c. 47.

(b) 1975 c. 6.

(c) 1889 c. 63.

(d) 1974 c. 44.

The 1975 Act

3.—(1) The 1975 Act, with the exception of the rent provisions, shall extend to the Isles.

(2) The 1975 Act (other than the rent provisions) shall have effect, in its application to the Isles, subject to the adaptations and modifications specified in Part II of the Schedule to this order.

Articles 2(2) and 3(2)

SCHEDULE

ADAPTATIONS AND MODIFICATIONS OF ENACTMENTS

PART I

THE 1974 ACT

1. Any reference to a local authority shall, unless the context otherwise requires, include the Council.
2. Sections 5(3), 30(8) and 79(2A) shall apply to the Isles as if the Council were the council of a district.
3. In the application of section 74 to the Isles—
 - (a) in subsection (2)(a) the words “or a Part VI contract” shall be omitted;
 - (b) in subsection (2)(d)—
 - (i) the words “or reference” shall be omitted;
 - (ii) the words from “or, as the case may require” to the end of that paragraph shall be omitted;
 - (c) in subsection (2)(e) the words “or reference” shall be omitted;
 - (d) in subsection (2)(f) for the words from “, agreement for a lease” to the end of that paragraph there shall be substituted the words “or agreement for a lease of the dwelling”;
 - (e) in subsection (4)—
 - (i) the definition of “Part VI contract” shall be omitted;
 - (ii) in the definition of “registered rent”, paragraph (b) shall be omitted;
 - (iii) in the definition of “relevant day” the words “or let on a Part VI contract” shall be omitted.
4. In section 84—
 - (a) in the definition of “disabled person”, in paragraph (b), for the reference to the welfare authority there shall be substituted a reference to the Council; and
 - (b) the definition of “welfare authority” shall be omitted.

PART II

THE 1975 ACT

1. Any reference to a local authority shall, unless the context otherwise requires, include the Council.
2. In relation to the Council any reference to the general rate fund means the General Fund of the Council.

Anthony Crosland,

Secretary of State for the Environment.

25th March 1975.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends to the Isles of Scilly—

- (i) the Housing Act 1974 (“the 1974 Act”), in so far as it does not already so extend, with the exception of section 126 (enforceability of certain covenants in agreements relating to development of land) for which special provision is made in that section for its application to the Isles; and
- (ii) the Housing Rents and Subsidies Act 1975 (“the 1975 Act”) with the exception of—
 - (a) section 7 and Schedule 2 (phasing of rent increases for private sector housing);
 - (b) section 8 and Schedule 3 (certain amenities to be disregarded in determining fair rent);
 - (c) section 9 (termination of decontrol of tenancies by reference to rateable value);
 - (d) section 10 and Schedule 4 (increases of rent under controlled tenancy permitted towards cost of repairs); and
 - (e) section 11 (reserve power to limit rents).

The above listed provisions already extend to the Isles by virtue of section 17(11) of the 1975 Act.

The Order also makes adaptations and modifications to certain provisions of the 1974 Act and the 1975 Act in their application to the Isles of Scilly.

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