

HOUSING (SCOTLAND) ACT 2001

EXPLANATORY NOTES

BACKGROUND AND OVERVIEW

Part 6 – Grants for Improvement, Repairs Etc.

Section 96: Extension of power to make improvement grants

146. This section amends section 236 (power of local authorities to make improvement grants) of the Housing (Scotland) Act 1987.
147. *Subsection (1)* extends the works eligible for grant to include the provision of heating systems and insulation, replacement of unsafe electrical wiring and installation of mains-powered smoke detectors. *Subsection (2)* details more works in buildings in common ownership that may be eligible for grant. *Subsection (3)* amends the definition of a disabled person to bring it into line with the Disability Discrimination Act 1995.
148. *Subsection (4)* inserts a new section in the 1987 Act to the effect that, where improvement grant is applied for by a tenant, that tenant must have had responsibility for the works in respect of which grant is sought for 2 years previous to application. The new subsection also sets out the terms under which the Scottish Ministers are entitled to vary, by order, the works and cases eligible for grant.

Section 97: Application for grant

149. This section amends section 237 of the 1987 Act to extend the information required upon application for a grant to include details of the income and financial circumstances of the applicant. This section also makes it a criminal offence for an applicant to make a fraudulent or misrepresentative application.

Section 98: Age of buildings eligible for grant

150. This section amends section 240 of the 1987 Act with the effect that grant will normally only be paid in respect of houses provided 10 years or more prior to the date of an application for grant. There continues to be provision for grant to be paid in respect of newer housing, where the Scottish Ministers agree to a local authority's request for permission to do so.

Section 99: Applicant's contribution to expense of works

151. This section inserts a new section 240A in the 1987 Act with the effect that local authorities will be able to assess the appropriate level of contribution to works made by an applicant. Provision is made for the Scottish Ministers to make regulations concerning the assessment of the financial circumstances of an applicant or by reference to other criteria as Ministers think fit.
152. The section also enables an applicant to request a review of a decision of a local authority where, for example, the applicant believes the local authority has wrongly

assessed the level of the applicant's contribution. The review is to be carried out by someone senior to the person who made the applicant's original assessment.

Section 100: Approval of application

153. This section amends section 241 of the 1987 Act requiring local authorities to take account of the approved expense and the applicant's contribution in advising an applicant of the amount of grant approved.

Section 101: Amount of grant

154. This section amends section 242 of the 1987 Act with the effect that the maximum limit of the approved expense of an improvement grant shall not exceed £20,000. This section provides that the amount of grant awarded shall be the approved expense minus the applicant's contribution.
155. Provision is also made for the Scottish Ministers to determine cases in which grants shall be paid as a percentage of the approved expense. These "minimum percentage grants" will be determined by order. In such cases a local authority will pay the minimum percentage grant or the amount referred to in paragraph 153 above, whichever is the greater.
156. This section also makes provision about successive awards of grant where an application for grant is made less than 10 years after an earlier award. Such earlier award or awards are subtracted from the amount of grant awarded. Certain categories of work are exempt from this calculation. Those works include grants made in respect of works to provide standard amenities (under section 244 of the 1987 Act), minimum percentage grants and works to adapt a house for a disabled person (as under section 236 of the 1987 Act).

Section 102: Improvement grants: the tolerable standard and standard amenities

157. This section amends section 86(1) of the 1987 Act to extend the tolerable standard to include a suitably located shower or bath and a wash-hand basin. Section 244 of the 1987 Act is amended so that the standard amenities for the purposes of that section are defined by reference to particular amenities listed in the definition of the tolerable standard.

Section 103: Amount of repairs grant

158. This section amends section 248 of the 1987 Act in relation to maximum amount of repairs grant payable. Provision is made for the new limit, for arrangements concerning tests of resources and for minimum percentage grants etc. to apply to repairs grants as they do to improvement grants.

Section 104: Grants for means of escape from fire

159. This section amends section 249 of the 1987 Act in relation to grants for the provision of means of escape from fire in houses in multiple occupation, where local authorities have served a notice requiring such provision.

Section 105: Improvement of energy efficiency and safety

160. This section adds a new section 250A to the 1987 Act to encourage works to improve energy efficiency and safety. This section will allow local authorities to offer grant applicants the opportunity of having additional work carried out so as to replace unsafe electrical wiring, install a mains-powered smoke detector and to provide thermal insulation and, in the case of buildings in common ownership, a main door entry-phone system and a fire-retardant door at the entry to each house.