



Housing Act 1964

1964 CHAPTER 56

PART III

ASSISTANCE FOR IMPROVEMENT OF DWELLINGS

Provision as to improvement grants and standard grants

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

(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.

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

(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

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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 section 49 of the Act of 1958 from the date on which it was paid by the local authority until repaid under this subsection.
- (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.

55 Conditions attaching to improvement grants and standard grants in Scotland

- (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.

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

- (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—

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- (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 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.

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- (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.