



# Housing (Financial Provisions) (Scotland) Act 1968

## 1968 CHAPTER 31

### PART II

#### FINANCIAL ASSISTANCE IN RESPECT OF HOUSING ACCOMMODATION PRIVATELY PROVIDED OR IMPROVED

##### *Grants by local authorities for provision of standard amenities*

### **39 Standard amenities**

(1) For the purposes of this Part of this Act, and subject to this section, " the standard amenities ", in relation to any dwelling, mean the following amenities provided for the exclusive use of the occupants of the dwelling, that is to say—

- (a) a fixed bath or shower, which, subject to subsection (2) of this section, is to be in a bathroom;
- (b) a wash-hand basin ;
- (c) a hot and cold water supply at a fixed bath or shower, which, if reasonably practicable, is to be in a bath room;
- (d) a hot and cold water supply at a wash-hand basin;
- (e) a hot and cold water supply at a sink ;
- (f) a water closet; and
- (g) satisfactory facilities for storing food ;

and references in this Part of this Act to the standard amenities shall be construed accordingly.

(2) Subject to this section, the fixed bath or shower mentioned in paragraph (a) of subsection (1) thereof may, if it is not reasonably practicable for it to be provided in a bathroom, but it is reasonably practicable for it to be provided with a hot and cold water supply, be in a part of the dwelling which is not a bathroom or bedroom.

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- (3) The Secretary of State may by order vary the class of amenities which are the standard amenities, and an order under this subsection may amend or repeal any of the provisions of subsection (2) of this section or of section 41(5) of this Act and may contain such transitional and other supplemental provisions as may appear to the Secretary of State to be expedient.
- (4) The power to make orders conferred on the Secretary of State by subsection (3) of this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **40 Duty of local authorities to make standard grants**

- (1) Subject to the provisions of this Part of this Act, a local authority shall give assistance in respect of the improvement of any dwelling by a person other than a local authority by such works as may be required for the dwelling to be provided with all of the standard amenities by way of making a grant (in this Part of this Act referred to as a "standard grant") in respect of the cost of executing the works, if an application in that behalf is made by that person to the authority and approved by them before the works are begun and the works are executed to the satisfaction of the authority.
- (2) An application may be made under this section proposing the carrying out of works which comprise the provision of part only of the standard amenities notwithstanding that the dwelling is not already provided with all the remainder of the standard amenities if—
  - (a) it is not practicable at reasonable expense to provide the dwelling with all of the standard amenities, and
  - (b) after the execution of the works the dwelling will be provided with at least the amenities comprised in the reduced standard as defined in section 86(5) of the principal Act:

Provided that an application shall not be entertained by virtue of this subsection in respect of a dwelling which is or forms part of a house or building as regards which the local authority are satisfied that they have power to serve a notice under section 106 of the principal Act.

- (3) An application under this section must specify the dwelling and the works proposed to be carried out and, where those works comprise the provision of part only of the standard amenities, must—
  - (a) if the application is made by virtue of subsection (1) of this section, contain a statement that the dwelling is already provided with the remainder;
  - (b) if the application is made by virtue of subsection (2) of this section, contain a statement that it is not practicable at reasonable expense to provide the dwelling with all of the standard amenities and give the facts on which the statement is based.
- (4) Subject to subsection (5) of this section, an application under this section must also contain a statement either that the applicant is the occupier of the dwelling or that the occupier has consented in writing to the making of the application.
- (5) An application under this section as respects works to be carried out in compliance with an improvement notice served, or an undertaking accepted, under Part IV of the principal Act shall be in such form as the local authority may direct, and subsection (4) of this section shall not apply in respect of such an application.

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- (6) An application under this section shall not be entertained if it relates to a dwelling provided after the end of the year 1944, unless the dwelling was provided by the conversion before the end of the year 1958 of a building erected before the end of the year 1944.

#### **41 Approval of applications for standard grants**

- (1) Subject to subsection (5) of this section, a local authority shall approve an application for a standard grant if—
- (a) they are satisfied as to the matters mentioned in subsections (2) and (3) of this section, and
  - (b) in the case of an application made by virtue of section 40(2) of this Act, they are satisfied also as to the matters mentioned in paragraphs (a) and (b) of that subsection,
- and shall not approve any application if not so satisfied.
- (2) The local authority must be satisfied that after the execution of the works specified in the application the dwelling will be in such condition as not to be unfit for human habitation, and that it is likely to remain in that condition and available for use as a dwelling for a period of not less than fifteen years.
- (3) The local authority must also be satisfied that the applicant is, in respect of every parcel of land on which the works are to be carried out (other than land proposed to be sold or leased to him under section 145(4) of the principal Act), either the owner or the lessee under a lease of which there remains unexpired at the date of the application a period of not less than fifteen years.
- (4) In considering an application made by virtue of section 40(2) of this Act the local authority shall have regard to the estimated cost of the works which would be required to provide the dwelling with all of the standard amenities and the value which it is estimated that the dwelling (or the building of which the dwelling forms part) would have if works to provide the dwelling with all of the standard amenities were carried out.
- (5) Subsection (1) of this section shall not have effect so as to oblige a local authority to approve an application for a standard grant as respect works which include the provision of a fixed bath or shower in a part of a dwelling which is not a bathroom unless the works are to be carried out in compliance with an improvement notice served, or an undertaking accepted, under Part IV of the principal Act.
- (6) Where the local authority do not approve an application for a standard grant they shall, if the applicant so requests, give him a written statement of the ground or grounds on which they have not approved it, and if, in the case of an application made by virtue of section 40(2) of this Act, that ground is, or those grounds include, the fact that the authority are not satisfied as to the matters mentioned in paragraphs (a) and (b) of that subsection, the said statement shall set out the reasons why the authority are not so satisfied.

#### **42 Amount of standard grants**

- (1) The amount of a standard grant shall, subject to this section, be one-half of the cost shown to have been incurred in executing the works in respect of which it is made.

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- (2) If any of the works are not exclusively for the purpose of providing one or more of the standard amenities, only so much of the cost of carrying out those works as is, in the opinion of the local authority, attributable to the provision of the standard amenity or standard amenities shall be taken into account under subsection (1) of this section.
- (3) Subject to this section, there shall be a limit on the amount of a standard grant determined in accordance with the following Table, and the limit shall depend on the number of items in the following Table which will be provided by the works and shall be the total of the amounts specified in column 2 of that Table for those items or £350, whichever is the less.

TABLE

<i>List of amenities</i>	<i>Amount allowed towards limit</i>
A fixed bath or shower in a bathroom or elsewhere.	£25 or, if the bathroom is being provided by the building of a new structure or the conversion of outbuildings attached to the dwelling (or to the building of which the dwelling forms part) and, before the time when the local authority approve the application, they have been satisfied that it is not reasonably practicable to provide the bathroom in any other way, such higher amount as the local authority shall fix at that time as being in their opinion one-half of the part of the cost to be reasonably incurred in executing the works, being the part of the cost attributable to the provision of the fixed bath or shower.
A wash-hand basin	£5.
A hot and cold water supply at a fixed bath or shower.	£35.
A hot and cold water supply at a wash-hand basin.	£15.
A hot and cold water supply at a sink.	£25.
A water closet	£40 or, if the works comprise the installation of a septic tank and, before the time when the local authority approve the application, they have been satisfied that the connection of the water closet with main drainage is not possible or reasonably practicable, such higher amount as the local authority shall fix at that time as being in their opinion one-half of the part of the cost to be reasonably incurred in executing the works, being the part of the cost

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<i>List of amenities</i>	<i>Amount allowed towards limit</i>
Facilities for storing food	attributable to the provision of the water closet. £10.
If the works comprise, in connection with all or any of the amenities provided, the bringing of a piped supply of cold water into the dwelling for the first time.	Such amount as the local authority shall fix at the time when they approve the application as being in their opinion one-half of the part of the cost to be reasonably incurred in executing the works, being the part of the cost attributable to the bringing of the piped supply into the dwelling.

- (4) The local authority shall, when they approve the application, inform the applicant of any decision taken by them under the Table fixing a higher amount in respect of the cost attributable to the provision of a fixed bath or shower or of a water closet, or fixing any amount in respect of the cost of bringing a piped supply of cold water into the dwelling.
- (5) In determining the limit the amount specified for any item in the Table shall not be brought in more than once, and no account shall be taken of any amenity provided by the works if, at the time when the works were begun, the dwelling was provided with an amenity of that kind unless part of the cost incurred in executing the works is attributable to interference with or replacement of that amenity and the local authority are satisfied that it would not have been reasonably practicable to avoid the interference or replacement.
- (6) References in this section to the cost incurred in executing or carrying out works shall include references to fees payable to professional persons employed in connection with those works.
- (7) The Secretary of State may by order vary the provisions of subsections (3), (4) and (5) of this section in any respect, and an order under this subsection may contain such transitional or other supplemental provisions as appear to the Secretary of State to be expedient.
- (8) The power to make orders conferred on the Secretary of State by subsection (7) of this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) Section 21 of the House Purchase and Housing Act 1959 shall not have effect, and this section shall have effect only, in relation to applications for standard grants made on or after 16th August 1964.

#### **43 Application to standard grants of provisions relating to improvement grants**

The provisions of sections 30 to 38 of this Act shall, with the necessary modifications, apply in relation to standard grants as they apply in relation to improvement grants, so, however, that in relation to standard grants sections 36 and 37 of this Act shall each apply with the omission of subsection (1) thereof.