



Housing Act 1974

1974 CHAPTER 44

PART VII

FINANCIAL ASSISTANCE TOWARDS WORKS OF IMPROVEMENT, REPAIR AND CONVERSION

Grants by local authorities

56 Grants for provision, improvement and repair of dwellings

- (1) Grants of the descriptions specified in subsection (2) below shall be payable by local authorities in accordance with the following provisions of this Part of this Act towards the cost of works required for—
- (a) the provision of dwellings by the conversion of houses or other buildings,
 - (b) the improvement of dwellings,
 - (c) the repair of dwellings, and
 - (d) the improvement of houses in multiple occupation by the provision of standard amenities,

where the provision, improvement or repair is by a person other than a housing authority.

- (2) The grants referred to in subsection (1) above are—
- (a) an "improvement grant" in respect of works required for the provision of a dwelling (as mentioned in paragraph (a) of that subsection) or for the improvement of a dwelling or, in the case of a registered disabled person, works required for his welfare, accommodation or employment where the existing dwelling is inadequate or unsuitable for those purposes, not being works falling entirely within paragraph (b) below;
 - (b) an "intermediate grant" in respect of works required for the improvement of a dwelling by the provision of standard amenities which it lacks or which in the case of a registered disabled person are inaccessible to that person by virtue of his disability;

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- (c) a "special grant" in respect of works required for the improvement of a house in multiple occupation by the provision of standard amenities; and
 - (d) a "repairs grant" in respect of works of repair or replacement relating to a dwelling in a housing action area or a general improvement area, not being works associated with other works required for the provision (as mentioned in subsection (1)(a) above) or improvement of the dwelling.
- (3) Except in a case where a local authority exercise their power under subsection (4) below, they shall not entertain—
- (a) an application for an improvement grant in respect of works required for the provision of a dwelling by the conversion of a house or other building which was erected after 2nd October 1961; or
 - (b) an application for any grant for the improvement or repair of a dwelling which was provided after that date.
- (4) Notwithstanding the prohibition in subsection (3) above, but subject to such general or special directions as may from time to time be given by the Secretary of State, where an application is made which falls within paragraph (a) or paragraph (b) of that subsection, the local authority to whom it is made may entertain the application if they consider it appropriate to do so.

57 General provisions relating to applications for grants

- (1) No grant shall be paid by a local authority unless an application therefor is made to the Authority in accordance with the provisions of this Part of this Act.
- (2) An application for a grant shall—
- (a) specify the premises to which the application relates ;
 - (b) contain particulars of the works in respect of which the grant is sought (in this Part of this Act referred to as " the relevant works ") and an estimate of their cost; and
 - (c) contain such other particulars as may for the time being be specified by the Secretary of State.
- (3) Subject to section 83 below, a local authority shall not entertain an application for a grant unless they are satisfied that the applicant has, in every parcel of land on which the relevant works are to be or have been carried out, an interest which is either an estate in fee simple absolute in possession or a term of years absolute of which not less than 5 years remain unexpired at the date of the application.
- (4) If the Secretary of State has given directions for the purposes of this subsection, either to local authorities generally or to a particular local authority, applying to any application for an improvement grant or an intermediate grant which is of a description specified in the directions, a local authority affected by the directions shall not approve an application to which they apply except with the consent of the Secretary of State; and any such consent may be given generally or with respect to a particular authority or with respect to a particular description of application.
- (5) A local authority may not approve an application for a grant if the relevant works have been begun unless they are satisfied that there were good reasons for beginning those works before the application was approved.
- (6) Except in so far as this Act otherwise provides, a local authority may not entertain an application for a grant if the relevant works are or include—

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- (a) works which were the relevant works in relation to an application which has previously been approved under this Part of this Act; or
- (b) works which were specified in an application for a grant under Part I of the Housing Act 1969 which was approved,

and the applicant for the grant is, or is the personal representative of, the person who made the earlier application.

- (7) If, after an application for a grant has been approved by a local authority, the authority are satisfied that owing to circumstances beyond the control of the applicant the relevant works will not be carried out on the basis of the estimate contained in the application, they may, on receiving a further estimate, redetermine the estimated expense in relation to the grant and make such other adjustments relating to the amount of the grant as appear to them to be appropriate, but the amount of a grant shall not be increased by virtue of this subsection beyond the amount which could have been notified as the amount of the grant when the application was approved if the estimate contained in the application had been for the same amount as the further estimate.

58 Standard amenities

- (1) Subject to subsection (2) below, the "standard amenities" for the purposes of this Part of this Act are the amenities which are described in the first column of Part I of Schedule 6 to this Act and which conform to such of the provisions of Part II of that Schedule as are applicable.
- (2) The Secretary of State may by order vary the provisions of Schedule 6 to this Act and any such order may contain such transitional or other supplemental provisions as appear to the Secretary of State to be expedient.

59 Appropriate percentage

- (1) In this Part of this Act "the appropriate percentage" (which is relevant for determining the amount, or the maximum amount, of any grant) shall be determined according to whether, on the date on which the application for the grant concerned is approved, the premises to which the application relates are in a housing action area, a general improvement area or neither and, subject to the following provisions of this section, the appropriate percentage is—
- (a) in a case where those premises are on that date in a housing action area, 75 per cent.;
 - (b) in a case where those premises are on that date in a general improvement area, 60 per cent.; and
 - (c) in any other case, 50 per cent.
- (2) If, in the case of premises which are in a housing action area on the date on which the application for the grant concerned is approved, it appears to the local authority by whom the application is approved that the applicant will not without undue hardship be able to finance the cost of so much of the relevant works as is not met by the grant, they may treat the appropriate percentage as increased to such percentage not exceeding 90 per cent. as they think fit.
- (3) If, at any time after an application for a grant has been approved but before the relevant works have been begun, an area which includes the land on which the premises concerned are situated is declared to be a housing action area or a general improvement area, the local authority by whom the application was approved shall

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allow the application to be withdrawn with a view to enabling the applicant to make a further application for a grant.

- (4) The Secretary of State may by order made with the consent of the Treasury vary all or any of the percentages specified in subsections (1) and (2) above, and any such variation shall have effect with respect to applications for grants approved after such date as may be specified in the order.
- (5) An order under subsection (4) above—
 - (a) shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament; and
 - (b) shall not specify a date earlier than the date of the laying of the draft.

60 Certificates of future occupation

- (1) Subject to section 83 below, a local authority shall not entertain an application for a grant other than a special grant unless the application is accompanied by a certificate under this section as to future occupation of the dwelling or, as the case may be, each of the dwellings for the provision, improvement or repair of which the grant is sought.
- (2) A certificate of future occupation shall be either a certificate of owner-occupation under subsection (3) or subsection (4) below or a certificate of availability for letting under subsection (5) below.
- (3) Subject to subsection (4) below, for the purposes of this Part of this Act a "certificate of owner-occupation" is a certificate stating that the applicant for the grant intends that, on or before the first anniversary of the certified date and throughout the period of 4 years beginning on that first anniversary, the dwelling will be his only or main residence and will be occupied exclusively by himself and members of his household (if any).
- (4) For the purposes of this Part of this Act, in a case where an application for a grant is made by the personal representatives of a deceased person or by trustees, a "certificate of owner-occupation" is a certificate stating that the applicants are personal representatives or trustees and intend that, on or before the first anniversary of the certified date and throughout the period of 4 years beginning on that first anniversary, the dwelling will be the only or main residence of, and exclusively occupied by, a person who, under the will or intestacy or, as the case may require, under the terms of the trust, is beneficially entitled to an interest in the dwelling or the proceeds of sale thereof and members of his household (if any).
- (5) For the purposes of this Part of this Act a "certificate of availability for letting" is a certificate stating that the applicant for the grant intends that, throughout the period of 5 years beginning with the certified date,—
 - (a) the dwelling will be let or available for letting as a residence, and not for a holiday, to a person other than a member of the applicant's family ; or
 - (b) the dwelling will be occupied or available for occupation by a member of the agricultural population in pursuance of a contract of service and otherwise than as a tenant.

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Improvement grants

61 Improvement grants

- (1) A local authority shall pay an improvement grant if—
 - (a) an application for such a grant, made in accordance with this Part of this Act, is approved by them, and
 - (b) the conditions for the payment of the grant are fulfilled,and, subject to the provisions of this Part of this Act, a local authority may approve an application for an improvement grant in such circumstances as they think fit.
- (2) A local authority shall not approve an application for an improvement grant unless they are satisfied that, on completion of the relevant works, the dwelling or, as the case may be, each of the dwellings to which the application relates will attain the required standard.
- (3) For the purposes of this section a dwelling shall be taken, subject to subsections (4) and (5) below, to attain the required standard if the following conditions are fulfilled with respect to it, namely—
 - (a) that it is provided with all the standard amenities for the exclusive use of its occupants; and
 - (b) that it is in good repair (disregarding the state of internal decorative repair) having regard to its age and character and the locality in which it is situated; and
 - (c) that it conforms with such requirements with respect to construction and physical conditions and the provision of services and amenities as may for the time being be specified by the Secretary of State for the purposes of this section; and
 - (d) that it is likely to provide satisfactory housing accommodation for a period of 30 years.
- (4) If it appears to a local authority that it is not practicable at reasonable expense for a dwelling to which an application for an improvement grant relates—
 - (a) to be provided with all the standard amenities, or
 - (b) to attain the standard of repair required by the condition in paragraph (b) of subsection (3) above, or
 - (c) to conform in every respect with the requirements referred to in paragraph (c) of that subsection,the authority may, in the case of that dwelling, reduce the required standard by dispensing with the condition in question to such extent as will enable them, if they think fit, to approve the application.
- (5) If it appears to a local authority reasonable to do so in the case of any dwelling to which an application for an improvement grant relates, they may reduce the required standard by substituting for the period specified in paragraph (d) of subsection (3) above such shorter period of not less than 10 years as appears to them to be appropriate in the circumstances.

62 Rateable value limit on improvement grants for dwellings for owner occupation

- (1) If an application for an improvement grant in respect of works required for the improvement of a dwelling or dwellings is accompanied by a certificate of owner-

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occupation relating to that dwelling or, as the case may be, one of those dwellings, the local authority shall not approve the application if, on the date of the application, the rateable value of the dwelling to which that certificate relates is in excess of the relevant limit.

- (2) If an application for an improvement grant in respect of works required for the provision of a dwelling or dwellings by the conversion of any premises which consist of or include a house or two or more houses is accompanied by a certificate of owner-occupation in respect of that dwelling or, as the case may be, one of those dwellings, the local authority shall not approve the application if, on the date of the application,—
- (a) the rateable value of that house or, as the case may be, any of those houses, or
 - (b) where the certificate relates to a dwelling to be provided by the conversion of premises consisting of or including two or more houses, the aggregate of the rateable values of those houses,
- is in excess of the relevant limit.
- (3) In this section " the relevant limit" means such limit of rateable value as the Secretary of State may with the consent of the Treasury by order specify; and different limits may be so specified in relation to dwellings falling within subsection (1) above and houses converted as mentioned in subsection (2) above and also in relation to property in different areas.
- (4) For the purposes of this section the rateable value on any day of a dwelling or house shall be determined as follows:—
- (a) if the dwelling or house is a hereditament for which a rateable value is then shown in the valuation list, it shall be that rateable value;
 - (b) if the dwelling or house forms part only of such a hereditament or consists of or forms part of more than one such hereditament, its rateable value shall be taken to be such value as the local authority, after consultation with the applicant as to an appropriate apportionment or aggregation, shall determine.

63 Determination of estimated expense in relation to improvement grant

- (1) Where a local authority approve an application for an improvement grant they shall determine the amount of the expenses which, in their opinion, are proper to be incurred for the execution of the relevant works and shall notify the applicant of that amount; and, in relation to an improvement grant which has been approved, the amount so notified is in this section and section 64 below referred to as " the estimated expense " of the relevant works.
- (2) Not more than 50 per cent., or such other percentage as may for the time being be prescribed, of the estimated expense of any works shall be allowed for works of repair and replacement.
- (3) If the applicant satisfies the local authority that the relevant works cannot be or could not have been carried out without the carrying out of additional works and that this could not have been reasonably foreseen at the time the application was made, the local authority may, subject to subsection (2) above, determine a higher amount as the amount of the estimated expense.

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64 Amount of improvement grant

- (1) Subject to the following provisions of this section, the amount of an improvement grant shall be such as may be fixed by the local authority when they approve the application for the grant but shall not exceed the appropriate percentage of the eligible expense.
- (2) Together with the notification under section 63(1) above, the local authority shall send to the applicant a notification of the amount of the grant.
- (3) Except in a case or description of case in respect of which the Secretary of State approves a higher eligible expense, the eligible expense for the purposes of an improvement grant shall be so much of the estimated expense as does not exceed the relevant limit; and, subject to subsections (4) and (7) below, "the relevant limit", in relation to an improvement grant, is the amount for the dwelling, or if the application for the grant relates to more than one dwelling the total of the amounts for each of the dwellings, applicable under the following paragraphs, that is to say—
 - (a) for a dwelling which is improved by the relevant works or is provided by them otherwise than as mentioned in paragraph (b) below, £2,000, or such other amount as the Secretary of State may by order specify; and
 - (b) for a dwelling which is provided by the conversion of a house or other building consisting of three or more storeys, £2,400, or such other amount as the Secretary of State may by order specify.
- (4) A statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.
- (5) If the local authority are satisfied in a particular case that there are good reasons for increasing the amount which, apart from this subsection, would constitute the relevant limit, they may substitute for that amount such higher amount as the Secretary of State may approve; and the approval of the Secretary of State may be given either with respect to a particular case or with respect to any description of case.
- (6) In any case where, after the amount of an improvement grant has been fixed under subsection (1) above, the local authority, in exercise of their powers under section 63(3) above, substitute a higher amount as the amount of the estimated expense, the eligible expense shall be re-calculated under subsection (3) above and if, on that re-calculation, the amount of the eligible expense is greater than it was at the time when the application was approved,—
 - (a) the amount of the improvement grant shall be increased accordingly; and
 - (b) the local authority shall notify the applicant of the increased amount of the grant.
- (7) In any case where—
 - (a) an intermediate grant, a repairs grant or a standard grant (within the meaning of Part I of the Housing Act 1969) has been made in respect of a dwelling, and
 - (b) within the period of 10 years beginning on the date on which that grant was paid or, if it was paid by instalments, the date on which the last instalment was paid, an improvement grant is made in respect of that dwelling,

the amount which, by virtue of subsection (3) above, would otherwise be the relevant limit in relation to the improvement grant shall be reduced by the amount which was the eligible expense for the purposes of the grant referred to in paragraph (a) above or, where that grant was a standard grant (within the meaning of Part I of the Housing Act 1969) by an amount determined by reference to the amount of that grant and the

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rate at which it was made, namely, twice the amount of the grant where that rate was one-half and one and one-third times the amount of the grant where (by virtue of the Housing Act 1971) that rate was 75 per cent.

- (8) For the purposes of this section, where an improvement grant is to be paid towards the cost of works required for the provision of a dwelling all or part of which is in the basement of a building, the basement shall count as a storey.

Intermediate grants

65 Intermediate grants

- (1) A local authority shall pay an intermediate grant if—
- (a) an application for such a grant, made in accordance with this Part of this Act, is approved by them; and
 - (b) the conditions for the payment of the grant are fulfilled.
- (2) An application for an intermediate grant shall—
- (a) specify the standard amenity or amenities which it is intended to provide by the relevant works ; and
 - (b) if some only of the standard amenities are specified as mentioned in paragraph (a) above, state whether the dwelling is already provided with the remainder; and
 - (c) contain a statement, with respect to each of the standard amenities specified as mentioned in paragraph (a) above, whether, to the best of the knowledge and belief of the applicant, the dwelling has been without that amenity for a period of not less than 12 months ending with the date on which the application is made.
- (3) A local authority shall not approve an application for an intermediate grant unless they are satisfied, with respect to each of the standard amenities specified as mentioned in subsection (2)(a) above, either—
- (a) that the dwelling concerned, except in the case of a registered disabled person when this subsection shall not apply, has been without the amenity in question for a period of not less than 12 months ending with the date on which the application is made; or
 - (b) that the dwelling is provided with the amenity in question on the date of the application but the relevant works, exclusive of those for the provision of that amenity, involve interference with or replacement of that amenity and it would not be reasonably practicable to avoid the interference or replacement.

66 Approval of application for intermediate grant conditional on dwellings attaining a particular standard

- (1) A local authority shall not approve an application for an intermediate grant unless they are satisfied that, on completion of the relevant works, the dwelling or, as the case may be, each of the dwellings to which the application relates will attain the full standard or, if any of subsections (3) to (5) below applies, the reduced standard.
- (2) For the purposes of this section a dwelling shall be taken to attain the full standard if the following conditions are fulfilled with respect to it, namely,—

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- (a) that it is provided with all the standard amenities for the exclusive use of its occupants; and
 - (b) that it is in good repair (disregarding the state of internal decorative repair) having regard to its age and character and the locality in which it is situated; and
 - (c) that it conforms with such requirements with respect to thermal insulation as may for the time being be specified by the Secretary of State for the purposes of this section; and
 - (d) that it is in all other respects fit for human habitation, construing that expression in accordance with Part II of the Housing Act 1957; and
 - (e) that it is likely to be available for use as a dwelling for a period of 15 years or such other period as may for the time being be specified by the Secretary of State for the purposes of this subsection.
- (3) Where an application for an intermediate grant contains a statement, and the local authority are satisfied, that it is not practicable at reasonable expense for the dwelling to which the application relates to be provided with all the standard amenities, they shall dispense with the condition in paragraph (a) of subsection (2) above unless they are satisfied that the dwelling is, or forms part of, a house or building in respect of which they could, by a notice under section 15 of the Housing Act 1961, require the execution of such works as are referred to in subsection (1) of that section.
- (4) If it appears to a local authority that it is not practicable at reasonable expense for a dwelling to which an application for an intermediate grant relates—
 - (a) to attain the standard of repair required by the condition in paragraph (b) of subsection (2) above, or
 - (b) to conform in every respect with the requirements referred to in paragraph (c) of that subsection, or
 - (c) to comply with the condition in paragraph (d) of that subsection,the authority may, in the case of that dwelling, dispense with the condition in question to such extent as will enable them, if they think fit, to approve the application.
- (5) If it appears to a local authority reasonable to do so in the case of any dwelling to which an application for an intermediate grant relates, they may in the case of that dwelling vary the condition in paragraph (e) of subsection (2) above by substituting for the period of 15 years or such other period as may for the time being be specified as mentioned in that paragraph such shorter period as appears to them to be appropriate in the circumstances.
- (6) If, in relation to any dwelling, a local authority by virtue of subsection (3), subsection (4) or subsection (5) above dispense, in whole or in part, with any of the conditions in paragraphs (a) to (d) of subsection (2) above or vary the condition in paragraph (e) of that subsection, then for the purposes of this section the dwelling concerned shall be taken to attain the reduced standard if, subject to any such dispensation or variation, the conditions in subsection (2) above are fulfilled with respect to it.

67 Local authority to approve certain applications for intermediate grants

- (1) Subject to sections 57, 60, 65(2), 65(3) and 66 above, a local authority shall approve an application for an intermediate grant which is duly made in accordance with this Part of this Act.

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- (2) If an application for an intermediate grant is duly made in accordance with this Part of this Act and the relevant works consist solely of works which the applicant is required to carry out by an improvement notice served or an undertaking accepted under Part VIII of this Act,—
- (a) subsections (3) to (5) of section 57 and sections 60 and 65(2) above shall not apply, and
 - (b) if it appears to the local authority to whom the application is made that, on completion of the relevant works, the dwelling concerned will not attain the full standard, they shall be treated as having exercised their powers under subsections (4) and (5) of section 66 above and, where appropriate, as being satisfied as mentioned in subsection (3) of that section, to such extent as is necessary to secure that on completion of the relevant works the dwelling will attain the reduced standard,
- and subsection (1) above shall apply accordingly.
- (3) Where the relevant works specified in an application for an intermediate grant include works of repair or replacement which go beyond those needed, in the opinion of the local authority, for the purposes of enabling the dwelling concerned to attain the full standard or the reduced standard, as the case may require, the local authority may, with the consent of the applicant, treat the application as varied so that the relevant works—
- (a) are confined to works other than works of repair or replacement, or
 - (b) include only such works of repair or replacement as (taken with the rest of the relevant works) will secure, in the opinion of the local authority, that the dwelling will attain the full standard or the reduced standard as the case may require,
- and may approve the application as so varied.
- (4) In this section "the full standard" and "the reduced standard " have the same meanings as in section 66 above.

68 Determination of estimated expense and amount of intermediate grant

- (1) Where a local authority approve an application for an intermediate grant they shall determine separately—
- (a) the amount of the expenses which in their opinion are proper to be incurred for the execution of those of the relevant works which consist of works of repair or replacement, and
 - (b) the amount of the expenses which in their opinion are proper to be incurred for the execution of those of the relevant works which relate solely to the provision of standard amenities,
- and shall notify the applicant of the amounts determined by them under this subsection.
- (2) If the applicant satisfies the local authority that the relevant works cannot be or could not have been carried out without the carrying out of additional works and that this could not have been reasonably foreseen at the time the application was made, the local authority may determine a higher amount under either or both of paragraphs (a) and (b) of subsection (1) above.
- (3) Except in a case or description of case in respect of which the Secretary of State approves a higher eligible expense, the eligible expense for the purposes of an intermediate grant shall be the aggregate of—

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- (a) so much of the amount determined under subsection (1)(a) above as does not exceed £800 or such other amount as may be prescribed ; and
 - (b) so much of the amount determined under subsection (1)(b) above as does not exceed the total of the amounts specified in the second column of Part I of Schedule 6 to this Act in relation to each of the standard amenities which are to be provided by the relevant works.
- (4) In any case where the relevant works make provision for more than one standard amenity of the same description, only one amenity of that description shall be taken into account under subsections (1) to (3) above.
- (5) Subject to subsection (6) below, the amount of an intermediate grant shall be the appropriate percentage of the eligible expense and, together with the notification under subsection (1) above, the local authority shall send to the applicant a notification of the amount of the grant.
- (6) In any case where, after the amount of an intermediate grant has been notified to the applicant under subsection (5) above, the local authority, in exercise of their powers under subsection (2) above, determine a higher amount under either or both of paragraphs (a) and (b) of subsection (1) above, the eligible expenses shall be re-calculated under subsection (3) above and if, on that re-calculation, the amount of the eligible expense is greater than it was at the time when the application was approved,—
- (a) the amount of the intermediate grant shall be increased accordingly; and
 - (b) the local authority shall notify the applicant of the increased amount of the grant.

Special grants

69 Special grants

- (1) A local authority shall pay a special grant if—
- (a) an application for such a grant, made in accordance with this Part of this Act, is approved by them, and
 - (b) the conditions for the payment of the grant are fulfilled,
- and, subject to the provisions of this Part of this Act, a local authority may approve an application for a special grant in such circumstances as they think fit.
- (2) An application for a special grant shall specify by how many households and individuals the house concerned is occupied and with what standard amenities it is already provided.
- (3) In its application in relation to special grants, Part II of Schedule 6 to this Act shall have effect as if paragraphs 2 and 3 and, in paragraph 1, the words "Except as provided by paragraph 2 below " were omitted.

70 Amount of special grant

- (1) Where a local authority approve an application for a special grant they shall determine the amount of the expenses which in their opinion are proper to be incurred for the execution of the relevant works and shall notify the applicant of that amount.
- (2) If any of the relevant 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

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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 for the purpose of the determination under subsection (1) above.

- (3) If the applicant satisfies the local authority that the relevant works cannot be or could not have been carried out without the carrying out of additional works and that this could not have been reasonably foreseen at the time the application was made, the local authority may, subject to subsection (2) above, determine a higher amount under subsection (1) above.
- (4) Except in a case or description of case in respect of which the Secretary of State approves a higher eligible expense, the eligible expense for the purposes of a special grant shall be so much of the amount determined under subsection (1) above as does not exceed the aggregate of the amounts specified in the second column of Part I of Schedule 6 to this Act in relation to each of the standard amenities which are to be provided by the relevant works (so that, where the relevant works make provision for more than one standard amenity of the same description, a separate amount shall be aggregated for each of those amenities).
- (5) The amount of a special grant shall be such as may be fixed by the local authority when they approve the application for the grant but shall not exceed the appropriate percentage of the eligible expense and, together with the notification under subsection (1) above, the local authority shall send to the applicant a notification of the amount of the grant.

Repairs grants

71 Repairs grants

- (1) A local authority shall pay a repairs grant if—
 - (a) an application for such a grant, made in accordance with this Part of this Act, is approved by them, and
 - (b) the conditions for the payment of the grant are fulfilled,
 and, subject to the provisions of this Part of this Act, a local authority may approve an application for a repairs grant in such circumstances as they think fit.
- (2) In considering whether or not to exercise their discretion to approve an application for a repairs grant, a local authority shall have regard to the question whether, in their opinion, the applicant would without undue hardship be able to finance the cost of the relevant works without the assistance of a repairs grant.
- (3) A local authority shall not approve an application for a repairs grant unless they are satisfied—
 - (a) that the dwelling or, as the case may be, each of the dwellings to which the application relates is situated in a general improvement area or a housing action area, and
 - (b) that on completion of the relevant works the dwelling or, as the case may be, each of the dwellings to which the application relates will attain the relevant standard of repair.
- (4) Without prejudice to the discretion of a local authority to approve or decline to approve an application for a repairs grant, if, in the opinion of the authority, the relevant works are more extensive than is necessary for the purpose of securing that the dwelling or,

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as the case may be, any of the dwellings to which the application relates will attain the relevant standard of repair, the authority may, with the consent of the applicant, treat the application as varied so that the relevant works include only such works as seem to the authority to be necessary for that purpose, and may approve the application as so varied.

- (5) For the purposes of this section a dwelling shall be taken to attain the relevant standard of repair if it is in good repair (disregarding the state of internal decorative repair) having regard to its age and character and the locality in which it is situated.

72 Determination of estimated expense and amount of repairs grant

- (1) Where a local authority approve an application for a repairs grant they shall determine the amount of the expenses which in their opinion are proper to be incurred for the execution of the relevant works and shall notify the applicant of that amount.
- (2) If the applicant satisfies the local authority that the relevant works cannot be or could not have been carried out without the carrying out of additional works and that this could not have been reasonably foreseen at the time the application was made, the local authority may determine a higher amount under subsection (1) above.
- (3) Except in a case or description of case in respect of which the Secretary of State approves a higher eligible expense, the eligible expense for the purposes of a repairs grant shall be so much of the amount determined under subsection (1) above as does not exceed £800 or such other amount as may be prescribed.
- (4) The amount of a repairs grant shall be such as may be fixed by the local authority when they approve the application for the grant but, subject to subsection (5) below, shall not exceed the appropriate percentage of the eligible expense and, together with the notification under subsection (1) above, the local authority shall send to the applicant a notification of the amount of the grant.
- (5) In any case where, after the amount of a repairs grant has been notified to the applicant under subsection (4) above, the local authority, in exercise of their powers under subsection (2) above, determine a higher amount under subsection (1) above, the eligible expense shall be re-calculated under subsection (3) above, and if, on that re-calculation, the amount of the eligible expense is greater than it was at the time when the application was approved,—
- (a) the amount of the repairs grant shall be increased accordingly; and
 - (b) the local authority shall notify the applicant of the increased amount of the grant.

Grant conditions

73 Conditions as to future occupation

- (1) Subject to section 83 below, where an application for an improvement grant, an intermediate grant or a repairs grant has been approved by a local authority the provisions of this section shall apply with respect to the occupation, during the period of 5 years beginning with the certified date (in this section referred to as " the initial period "), of the dwelling or, as the case may be, each of the dwellings to which the grant relates.

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- (2) In any case where the application for the grant was accompanied by a certificate of owner-occupation with respect to the dwelling, it shall be a condition of the grant—
 - (a) that throughout the first year of the initial period the dwelling will, as a residence, be occupied exclusively by, or be available for the exclusive occupation of, a qualifying person and members of his household (if any); and
 - (b) that if, at any time during the second or any subsequent year of the initial period, the dwelling is not occupied exclusively as his only or main residence by a qualifying person and members of his household (if any), the dwelling will at that time be let or available for letting by a qualifying person as a residence, and not for a holiday, to persons other than members of that person's family.
- (3) For the purposes of this section, the following are " qualifying persons " in relation to a dwelling, namely,—
 - (a) the applicant for the grant and any person who derives title to the dwelling through or under the applicant, otherwise than by a conveyance for value; and
 - (b) at any time when personal representatives or trustees as such are the qualifying person by virtue of paragraph (a) above, any person who, under the will or intestacy or, as the case may require, under the terms of the trusts concerned, is beneficially entitled to an interest in the dwelling or the proceeds of sale thereof.
- (4) In any case where the application for the grant was accompanied by a certificate of availability for letting with respect to the dwelling, it shall be a condition of the grant that, throughout the initial period,
 - (a) the dwelling will be let or available for letting as a residence, and not for a holiday, by a qualifying person to persons other than members of the family of that qualifying person or any other person who is for the time being a qualifying person in relation to the dwelling; or
 - (b) the dwelling will be occupied or available for occupation by a member of the agricultural population in pursuance of a contract of service and otherwise than as a tenant.
- (5) In determining, in a case where subsection (2) above applies, whether there is a breach of the condition specified in that subsection, there shall be disregarded any period of not more than 12 months during which that condition is not fulfilled if—
 - (a) that period begins on the death of a qualifying person who, immediately before his death, was occupying the dwelling concerned as his residence ; and
 - (b) throughout that period an interest in the dwelling or the proceeds of sale thereof, being either the interest which belonged to the deceased or an interest which arose or fell into possession on his death, is vested in his personal representatives acting in that capacity or in trustees as such or, by virtue of section 9 of the Administration of Estates Act 1925, in the Probate Judge, within the meaning of that Act.
- (6) In any case where subsection (1) above applies, it shall be a condition of the grant that if, at any time within the initial period, the local authority by whom the grant was paid serve notice on the owner of the dwelling requiring him to do so, the owner shall, within the period of 21 days beginning with the date on which the notice is served, furnish to the authority a certificate giving such information as the authority may reasonably require with respect to the occupation of the dwelling, and for this purpose it shall also be a condition of the grant that, if required to do so by the owner of

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the dwelling, any tenant of the dwelling will furnish the owner with such information as he may reasonably require to enable him to furnish the certificate to the authority.

74 Power of local authorities to impose grant conditions

- (1) Subject to section 83 below, where an application for an improvement grant, an intermediate grant or a repairs grant is approved by a local authority then, subject to subsection (3) below, the authority may and, in the case of a dwelling or dwellings situated in an area which, on the date on which the application is approved, is a housing action area, a general improvement area or a priority neighbourhood, they shall impose, with respect to the dwelling or, as the case may be, each of the dwellings to which the grant relates, the conditions specified in subsection (2) below as conditions of the grant, but may impose no other condition in relation to the approval or making of the grant, whether the condition purports to operate by way of a condition of the grant, a personal covenant or otherwise.
- (2) The conditions referred to in subsection (1) above are—
 - (a) that the dwelling will be let or available for letting on a regulated tenancy or a Part VI contract;
 - (b) that, if the local authority by whom the grant in question was paid serve notice on the owner of the dwelling requiring him to do so, the owner will within the period of 21 days beginning with the date on which the notice is served furnish to the authority a certificate that the condition set out in paragraph (a) above is being fulfilled;
 - (c) that, if required to do so by the owner of the dwelling, any tenant of the dwelling will furnish the owner with such information as he may reasonably require for the purpose of enabling him to comply with the condition set out in paragraph (b) above ;
 - (d) that, if on the certified date there is no registered rent for the dwelling and no such application or reference is pending, an application for the registration of a rent for the dwelling will be made to the rent officer before the expiry of the period of 14 days beginning on the relevant day or, as the case may require, the Part VI contract will be referred to the rent tribunal for the district in question before the expiry of that period;
 - (e) that any such application or reference as is referred to in paragraph (d) above which is either pending on the certified date or made as mentioned in that paragraph will be diligently proceeded with and not withdrawn; and
 - (f) that no premium shall be required as a condition of the grant, renewal or continuance on or after the certified date of any lease, agreement for a lease or Part VI contract of or relating to the dwelling.
- (3) To the extent that a grant relates to a dwelling—
 - (a) in which a registered housing association or an unregistered housing association falling within section 18(1)(b) of this Act has an estate or interest on the date on which the application for the grant is approved (in this subsection referred to as " the approval date"), or
 - (b) in respect of which a certificate of owner-occupation has been given and which has not at any time during the period of 12 months immediately preceding the approval date been let in whole or in part for residential purposes, or
 - (c) which is occupied or available for occupation by a member of the agricultural population in pursuance of a contract of service and otherwise than as a tenant,

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no condition may be imposed under this section as a condition of the grant.

(4) In this section—

" Part VI contract " has the same meaning as in Part VI of the Rent Act 1968 ;

" premium " has the same meaning as in Part VII of that Act;

" registered rent " means,—

(a) in relation to a dwelling which is subject to, or available for letting on, a regulated tenancy, a rent registered under Part IV of that Act; and

(b) in relation to a dwelling which is let, or available for letting, on a Part VI contract, a rent registered in the register kept under section 74 of that Act;

" regulated tenancy " has the same meaning as in that Act; and

" relevant day ", in relation to a dwelling for which there is no registered rent on the certified date, means the first day, not being earlier than the certified date, on which the dwelling is or becomes subject to a regulated tenancy or let on a Part VI contract.

75 Enforceability and registration of grant conditions

(1) The provisions of this section shall apply in any case where, under or by virtue of any provision of this Part of this Act, a condition (in this section referred to as a " grant condition ") is imposed as a condition of a grant.

(2) If and so long as a grant condition remains in force—

(a) it shall be binding on any person, other than a housing authority or registered housing association, who is for the time being the owner of the dwelling to which the grant relates; and

(b) it shall be enforceable against all other persons having any interest in that dwelling as if it were a condition of the terms of every lease, agreement for a lease or statutory tenancy of, or of property including, that dwelling.

(3) Subject to subsection (4) below, a grant condition shall be in force throughout the period of 5 years beginning on the certified date.

(4) If, on the date on which an application for a grant is approved, the dwelling to which the grant relates is in a housing action area, subsection (3) above shall have effect, except in the case of a grant condition imposed under section 73 above, with the substitution for the words " 5 years " of the words " 7 years ".

(5) A grant condition shall be treated as not being registrable by virtue of section 15 of the Land Charges Act 1925 (either as, or as if it were, a local land charge) but, as soon as may be after an application for a grant has been approved, any condition of that grant shall be registered in the register of local land charges—

(a) by the proper officer, for the purposes of section 15 of the Land Charges Act 1925, of the council in whose area the dwelling concerned is situated, and

(b) in such manner as may be prescribed by rules under section 19 of that Act, and in this subsection " council" means a district council, a London borough council or the Common Council of the City of London.

(6) In this Part of this Act " the certified date ", in relation to a dwelling in respect of which an application for a grant has been approved, means the date certified by the local

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authority by whom the application was approved as the date on which the dwelling first becomes fit for occupation after the completion of the relevant works to the satisfaction of the local authority.

76 Repayment of grant for breach of condition

- (1) The provisions of this section shall have effect in the event of a breach of a condition of a grant (in this section referred to as " the relevant grant") at a time when the condition is binding on the owner of the dwelling concerned by virtue of section 75(2) above.
- (2) Where the relevant grant related to a single dwelling, an amount equal to the amount of the relevant grant, together with compound interest thereon as from the certified date, calculated at the appropriate rate and with yearly rests, shall, on being demanded by the local authority forthwith become payable to the authority by the owner for the time being of the dwelling.
- (3) Where the relevant grant related to two or more dwellings, an amount equal to such part of the relevant grant as appears to the authority to be referable to the dwelling to which the breach relates, together with compound interest on that part as from the certified date, calculated at the appropriate rate and with yearly rests, shall, on being demanded by the local authority, forthwith become payable to the authority by the owner for the time being of that dwelling.
- (4) Nothing in subsection (2) or, as the case may be, subsection (3) above shall prevent a local authority from determining not to demand any such amount as is referred to in that subsection or from demanding an amount less than that which they are entitled to demand under that subsection.
- (5) Upon satisfaction of the liability of an owner of a dwelling to make a payment under this section to a local authority in respect of a breach of a condition of a grant, the condition shall cease to be in force with respect to that dwelling.
- (6) In this section " the appropriate rate " means the rate of interest for the time being fixed by subsection (2) of section 171 of the Local Government Act 1972 for the purposes of the enactments specified in subsection (1) of that section.

77 Voluntary repayment of grants

- (1) If, at any time while a condition of a grant remains in force, the owner of the dwelling to which the condition relates or a mortgagee of the interest of the owner in that dwelling, being a mortgagee entitled to exercise a power of sale, pays to the local authority by whom the grant was made the like amount as would (on a demand by the local authority) become payable under section 76 above in the event of a breach of that condition, all conditions of the grant shall cease to be in force with respect to that dwelling.
- (2) Any amount paid under subsection (1) above by a mortgagee shall be treated as part of the sum secured by the mortgage and may be discharged accordingly.
- (3) The purposes authorised for the application of capital money—
 - (a) by section 73 of the Settled Land Act 1925 and by that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale, and
 - (b) by section 26 of the Universities of College Estates Act 1925,

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shall include the payment to a local authority under subsection (1) above of the amount mentioned in that subsection in respect of a dwelling.

Contributions

78 Contributions by Secretary of State towards grants

- (1) The Secretary of State may make a contribution towards the expense incurred by a local authority in making a grant.
- (2) The contributions shall be a sum payable annually for a period of 20 years beginning with the financial year in which the works towards the cost of which the grant was made were completed, equal to the relevant percentage of the annual loan charges referable to the amount of the grant.
- (3) In subsection (2) above " the relevant percentage" means—
 - (a) in a case where, on the date on which the application for the grant concerned is approved, the premises to which the application relates are in a general improvement area or a housing action area, 90 per cent., and
 - (b) in any other case, 75 per cent.
- (4) The Secretary of State may by order made with the consent of the Treasury vary either or both of the percentages specified in subsection (3) above, and any such variation shall have effect with respect to applications for grants approved after such date as may be specified in the order.
- (5) An order under subsection (4) above—
 - (a) shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament; and
 - (b) shall not specify a date earlier than the date of the laying of the draft.
- (6) For the purposes of this section "the annual loan charges " referable to the amount of a grant means the annual sum which, in the opinion of the Secretary of State, would fall to be provided by a housing authority for the payment of interest on, and the repayment of, a loan of that amount repayable over a period of 20 years.
- (7) In any case where, on the date on which the application for a grant is approved, the premises to which the application relates are in an area declared by the local authority concerned to be a housing action area and, after that date, the Secretary of State notifies the local authority that the area is no longer to be such an area, or that land on which the premises are situated is to be excluded from the area, he may, without prejudice to his discretion under subsection (1) above not to make a contribution under this section, make such a contribution on the basis that the relevant percentage is 75 per cent.

79 Payment of improvement contributions to housing authorities

- (1) The Secretary of State may pay contributions (in this section referred to as " improvement contributions") to housing authorities towards the expenses incurred by them in—
 - (a) the provision of dwellings by the conversion of houses or other buildings, or
 - (b) the improvement of dwellings,

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in such circumstances as appear to him to be sufficiently similar to those in which an improvement grant might be paid by a local authority had the provision or improvement been by a person other than a housing authority.

- (2) The Secretary of State may pay an improvement contribution with respect to any dwellings if an application therefor containing such estimates and particulars as he may require is made by a housing authority and approved by him.
- (3) Where the Secretary of State approves an application for an improvement contribution, he shall determine the amount of the expenses which, in his opinion, are proper to be incurred by the housing authority for the execution of any works required for the provision or improvement of the dwellings.
- (4) The eligible expense for the purposes of an improvement contribution shall be so much of the amount determined under subsection (3) above as does not exceed the amount arrived at by taking, for each dwelling provided or improved, £2,000.
- (5) The improvement contribution shall be a sum payable annually for a period of 20 years, beginning with the financial year in which the works required for the provision or improvement of the dwellings are completed, equal to 37.5 per cent. of the annual loan charges referable to the eligible expense.
- (6) Subsection (6) of section 78 above shall apply for the purposes of this section as it applies for the purposes of that.

80 Statement of reasons for refusing application for grant or fixing grant at less than the maximum

If a local authority—

- (a) do not approve an application for a grant, or
- (b) fix the amount of an improvement grant, a special grant or a repairs grant at less than the appropriate percentage of the eligible expense within the meaning of section 64, section 70 or, as the case may be, section 72 above,

they shall state to the applicant in writing their reasons for doing so.

81 Grants restricted to applicant and his personal representatives

- (1) In relation to a grant or an application therefor, any reference in the preceding provisions of this Part of this Act and in subsection (2) below to the applicant shall be construed, in relation to any time after his death, as a reference to his personal representatives.
- (2) If, before the certified date, an applicant for a grant ceases to have such an interest as is referred to in section 57(3) above,—
 - (a) no grant shall be paid or, if any instalment of the grant was paid before the applicant ceased to have such an interest, no further instalments shall be paid; and
 - (b) any instalment of the grant which has been paid to the applicant shall, on being demanded by the local authority who approved the application for the grant, forthwith become repayable to them by the applicant together with interest thereon from the date on which it was paid until repayment at the rate for the time being fixed by subsection (2) of section 171 of the Local Government

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Act 1972 for the purposes of the enactments specified in subsection (1) of that section.

82 Payment of grants

- (1) In approving an application for a grant a local authority may require as a condition of paying the grant that the relevant works are carried out within such time, not being less than 12 months, as the authority may specify or such further time as they may allow.
- (2) Where a local authority are satisfied under section 63(3), section 68(2), section 70(3) or section 72(2) above that the relevant works cannot be or could not have been carried out without the carrying out of additional works, they may, without prejudice to subsection (1) above, allow further time as the time within which the relevant works and the additional works are to be carried out.
- (3) A grant may be paid after the completion of the works towards the cost of which it is payable or part of it may be paid in instalments as the works progress and the balance after the completion of the works.
- (4) Where a grant is paid in instalments the aggregate of the instalments paid shall not at any time before the completion of the works exceed one half of the aggregate cost of the works executed up to that time.
- (5) The payment of a grant or of any part thereof shall be conditional upon the works or the corresponding part of the works being executed to the satisfaction of the local authority.
- (6) If an instalment of a grant is paid before the completion of the works and the works are not completed within the time specified in subsection (7) below, that instalment and any further sums paid by the local authority as part of the grant shall, on being demanded by the authority, forthwith become repayable to them by the person who made the application for the grant or his personal representatives and shall carry interest from the date on which it was paid until repayment at the rate for the time being fixed by subsection (2) of section 171 of the Local Government Act 1972 for the purposes of the enactments specified in subsection (1) of that section.
- (7) Where the local authority have specified no time under subsection (1) above for the completion of the works, the time referred to in subsection (6) above is 12 months from the date on which the instalment is paid or such further time as the authority may allow; and where they have specified a time under subsection (1) above or allowed further time under that subsection or subsection (2) above the time referred to in subsection (6) above is the time so specified or allowed.

83 Special provisions as to parsonages, etc.

- (1) Sections 57(3), 60, 73 and 74 above shall not apply in relation to—
 - (a) an application for a grant in respect of glebe land or the residence house of an ecclesiastical benefice made, during a period when the benefice is vacant, by a sequestrator of the profits thereof; or
 - (b) an application for a grant made by a charity or on behalf of a charity by the charity trustees thereof.
- (2) Section 57(3) above shall not apply in relation to land which is proposed to be sold or leased under section 105(2) of the Housing Act 1957 (power to dispose of land for

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the purpose of carrying out works in connection with work on an adjoining house) to the applicant for a grant.

84 Interpretation of Part VII

In this Part of this Act—

" agricultural population " means—

- (a) persons whose employment or latest employment is or was employment in agriculture or in an industry mainly dependent on agriculture, and
- (b) the dependants of such persons, and for this purpose "agriculture" includes dairy-farming and poultry-farming and the use of land as grazing, meadow or pasture land, or orchard or osier land or woodland, or for market gardens or nursery grounds;

" appropriate percentage " has the meaning assigned to it by section 59 above ;

" certificate of owner-occupation " and " certificate of availability for letting " have the meanings assigned to them by section 60 above ;

" certified date " has the meaning assigned to it by section 75(6) above;

" charity " and " charity trustees " have the same meanings as in the Charities Act 1960 ;

" grant " means a grant of a description specified in section 56(2) above;

" housing authority " means a local authority, the council of a county, the Greater London Council, the Commission for the New Towns or a redevelopment corporation within the meaning of the New Towns Act 1965 ;

" improvement " includes alteration and enlargement, and any reference to works required for the provision or improvement of a dwelling (whether generally or in any particular respect) includes a reference to any works of repair or replacement needed (in the opinion of the person paying any grant or contribution) for the purpose of enabling the dwelling to which the improvement relates to attain the relevant standard;

" let " includes " sub-let " ;

" local authority ",—

- (a) in relation to premises in a general improvement area or a housing action area, means the council by whom the area was declared to be such an area; and
- (b) in relation to any other premises, means the council of a district or London borough or the Common Council of the City of London;

" owner ", in relation to a dwelling, means the person who—

- (a) is for the time being entitled to receive from a lessee of the dwelling, or would be so entitled if the dwelling were let, a rent of not less than two-thirds of the net annual value of the dwelling; and
- (b) is himself not liable, as a lessee of, or of any property which includes, the dwelling, to pay to a superior landlord a rent of not less than two-thirds of the net annual value of the property of which he is such a lessee;

" prescribed " means prescribed by order made by the Secretary of State;

" the relevant standard " means—

- (a) in relation to an improvement grant, the required standard referred to in section 61 above;

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- (b) in relation to an intermediate grant, the full standard or, as the case may require, the reduced standard referred to in section 66 above; and
- (c) in relation to a repairs grant, the relevant standard of repair referred to in section 71 above ;
 - " the relevant works " has the meaning assigned to it by section 57(2)(b) above ;
 - " standard amenities " has the meaning assigned to it by section 58 above.