
Changes to legislation: There are currently no known outstanding effects for the Housing and Planning Act 1986, Paragraph 6. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 3

COMMON PARTS GRANTS

Textual Amendments

- F1** Sch. 3 repealed (*prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(4), 195(2), Sch. 12 Pt. II

PART I

AMENDMENTS OF PART XV OF THE HOUSING ACT 1985

- 6 After section 498 of the Housing Act 1985 insert—

“ Common parts grant

Works for which common parts grants may be given.

- (1) The works for which a common parts grant may be given are works required for the improvement or repair of the common parts of a building in which there are one or more flats, other than works for the provision of a dwelling.
- (2) For this purpose—
 - (a) “flat” means a dwelling which is a separate set of premises, whether or not on the same floor, divided horizontally from some other part of the building, and
 - (b) “common parts” includes the structure and exterior of the building and common facilities provided, whether in the building or elsewhere, for persons who include the occupiers of one or more dwellings in the building.

Standard of repair to be attained.

- (1) The local housing authority shall not, without the consent of the Secretary of State, approve an application for a common parts grant in respect of a building unless they are satisfied that on completion of the relevant works the common parts of the building will be in reasonable repair.
- (2) The Secretary of State’s consent to the approval of applications where that standard will not be attained may be given in particular cases or in relation to descriptions of case.

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- (3) If in the opinion of the authority the relevant works are more extensive than is necessary for the purpose of securing that the common parts of the building will attain that standard, 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 necessary for that purpose; and they may then approve the application as so varied.

Rateable value limit.

- (1) The local housing authority shall not approve an application for a common parts grant in respect of a building if, on the date of the application, the average rateable value of the dwellings in the building exceeds the limit specified for the purposes of this section by order of the Secretary of State.
- (2) The consent of the Treasury is required for the making of an order.
- (3) An order—
- (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) For the purposes of this section—
- (a) where a dwelling is a hereditament for which a rateable value is shown in the valuation list, the rateable value is the value shown;
 - (b) where a dwelling forms part only of such a hereditament, or consists of or forms part of more than one such hereditament, the rateable value is such value as the local housing authority, after consultation with the applicant as to an appropriate apportionment or aggregation, shall determine.
- (5) This section does not apply to buildings in housing action areas.

Common parts grants are discretionary.

- (1) A local housing authority may approve an application for a common parts grant in such circumstances as they think fit.
- (2) Subsection (1) has effect subject to the following provisions (which restrict the cases in which applications may be approved)—
- section 465 (works already begun),
 - section 466 (cases in which consent of Secretary of State is required),
 - section 498B (standard of repair to be attained), and
 - section 498C (rateable value limit).

Common parts grants: estimated expense of works.

- (1) Where a local housing authority approve an application for a common parts grant, they shall determine the amount of the expenses which in their opinion

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are proper to be incurred for the execution of the relevant works and shall notify the applicant of that amount.

- (2) If, after an application for a grant has been approved, 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.
- (3) If the applicant satisfies the authority that—
 - (a) the relevant works cannot be, or could not have been, carried out without carrying out additional works, and
 - (b) this could not have been reasonably foreseen at the time the application was made,the authority may determine a higher amount under subsection (1).

Common parts grant: limit on expense eligible for grant.

- (1) 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 common parts grant is so much of the estimated expense as does not exceed the prescribed amount.
- (2) In subsection (1) “the prescribed amount” means an amount prescribed, or ascertained in a manner prescribed, by order of the Secretary of State.
- (3) An order—
 - (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the House of Commons.

Common parts grants: determination of amount.

- (1) The amount of a common parts grant shall be fixed by the local housing authority when they approve the application, and shall not exceed the appropriate percentage of the eligible expense.
- (2) The authority shall notify the applicant of the amount of the grant together with the notification under section 498E(1) (notification of estimated expense of relevant works).
- (3) Where the authority redetermine the amount of the estimated expense under section 498E(2) (new estimate where works cannot be carried out in accordance with original estimate), they shall make such other adjustments relating to the amount of the grant as appear to them to be appropriate; but the amount of the grant shall not be increased beyond the amount which could have been notified when the application was approved if the estimate contained in the application had been of the same amount as the further estimate.
- (4) Where the authority redetermine the amount of the estimated expense under section 498E(3) (redetermination where additional works prove necessary),

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the eligible expense under section 498F shall be recalculated and if on the recalculation the amount of the eligible expense is greater than it was at the time when the application was approved, the amount of the grant shall be increased and the applicant notified accordingly.”.]

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