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SCHEDULES

SCHEDULE 2

Section 25(1).

SMOKE CONTROL ORDERS: EXPENDITURE ON OLD PRIVATE DWELLINGS

Grants for expenditure incurred in adaptation of fireplaces

- 1 (1) This paragraph applies if, after the making of a smoke control order by a local authority, the owner or occupier of, or any person interested in, an old private dwelling which is or will be within a smoke control area as a result of the order incurs relevant expenditure.
- (2) For the purposes of this paragraph “relevant expenditure” is expenditure on adaptations in or in connection with an old private dwelling to avoid contraventions of section 20 (prohibition of smoke emissions in smoke control area) which—
- (a) is incurred before the coming into operation of the order and with the approval of the local authority given for the purposes of this paragraph; or
 - (b) is reasonably incurred in carrying out adaptations required by a notice given under section 24(1) (power of local authority to require certain adaptations).
- (3) If the adaptations in question are carried out to the satisfaction of the local authority, the local authority—
- (a) shall repay to him seven-tenths of the relevant expenditure; and
 - (b) may, if they think fit, also repay to him the whole or any part of the remainder of that expenditure.
- (4) Where relevant expenditure is incurred by the occupier of a private dwelling who is not an owner of the dwelling and the adaptations in question consist of or include the provision of any cooking or heating appliance which can be readily removed from the dwelling without injury to itself or the fabric of the dwelling, the following provisions shall have effect as respects so much of the expenditure as represents the cost of the appliance, that is to say—
- (a) not more than seven-twentieths of that part of that expenditure shall be repaid until two years from the coming into operation of the order; and
 - (b) any further repayment of that part of that expenditure shall be made only if the appliance has not by then been removed from the dwelling and, if made, shall be made to the person who is the occupier of the dwelling at the end of the two years.
- (5) The approval of a local authority to the incurring of expenditure may be given for the purposes of this paragraph, if the authority think fit in the circumstances of any particular case, after the expenditure has been incurred.
- (6) This paragraph has effect subject to paragraph 4.

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Exclusion of grants in case of unsuitable appliances

- 2 For the purposes of this Schedule, an appliance is unsuitable for installation in any area or (as the case may be) in any district or part of Great Britain if it tends, by reason of its consumption of fuel (of whatever kind) or its consumption of fuel at times when it is generally used, to impose undue strain on the fuel resources available for that area, district or part.
- 3 (1) Sub-paragraph (2) applies if—
- (a) after a local authority have resolved to make a smoke control order declaring a smoke control area (not being an order varying a previous order so made); and
 - (b) before notice of the making of the order is first published in accordance with Schedule 1,
- the authority pass a resolution designating any class of heating appliance as being, in their opinion, unsuitable for installation in that area.
- (2) No payment shall be made by the authority under paragraph 1 in respect of expenditure incurred in providing, or in executing works for the purpose of the installation of, any heating appliance of the class designated by the resolution in or in connection with a dwelling within the area to which the order relates.
- (3) No payment shall be made under paragraph 1 by a local authority in respect of expenditure incurred in providing, or in executing works for the purpose of the installation of, any heating appliance which, when the expenditure was incurred, fell within any class of appliance for the time being designated for the purposes of this paragraph by the Secretary of State as being in his opinion—
- (a) unsuitable for installation in the district of that authority; or
 - (b) generally unsuitable for installation in the part of Great Britain with which the Secretary of State is concerned,
- unless the approval of the local authority in respect of that expenditure was given for the purposes of paragraph 1 at a time when the appliance in question did not fall within any class of appliance so designated.
- (4) Retrospective approval of expenditure may only be given by a local authority by virtue of paragraph 1(5) in the case of expenditure incurred in providing, or in executing works for the purpose of the installation of, a heating appliance, if the appliance—
- (a) did not at the time when the expenditure was incurred; and
 - (b) does not when the approval is given,
- fall within a class of appliance for the time being designated by the Secretary of State for the purposes of this paragraph as regards the district of that authority or generally.
- (5) In accordance with the preceding provisions of this Schedule, expenditure within sub-paragraph (3) or (4) shall be left out of account for the purposes of paragraph 1.

Exchequer contributions to certain expenditure

- 4 (1) The Secretary of State may, out of money provided by Parliament, make a contribution towards the following expenses, of any local authority (if approved by him), that is to say—
- (a) any expenses of the local authority in making payments under paragraph 1;

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- (b) any expenses incurred by them in making, in or in connection with old private dwellings owned by them or under their control, adaptations to avoid contraventions of section 20; and
 - (c) any expenses incurred by them in carrying out adaptations required by notices under section 24 in or in connection with old private dwellings.
- (2) A contribution under this paragraph in respect of any expenses shall be a single payment equal—
- (a) in the case of expenses mentioned in sub-paragraph (1)(a), to four-sevenths of the amount of the expenses;
 - (b) in the case of expenses mentioned in sub-paragraph (1)(b), to two-fifths of the amount of the expenses; and
 - (c) in the case of expenses mentioned in sub-paragraph (1)(c), to four-sevenths of the amount arrived at by deducting the recoverable amount from the amount of those expenses.
- (3) In sub-paragraph (2)(c), “the recoverable amount” means, in relation to any expenses, the fraction of those expenses (whether three-tenths or some smaller fraction determined by the local authority, in the case of those expenses, under section 24(2) or (3)) which the local authority have power to recover from the occupier or owner by virtue of section 24(2) or (3).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act Functions transferred and modified by S.I. 2016/644 art. 9 Sch. 2
- Act applied (with modifications) by S.I. 2011/939 art. 9 Sch. 2
- Act modified by S.I. 2010/1214 art. 4 Sch.
- Act modified by S.I. 2010/1216 art. 4 Sch.
- Act modified by S.I. 2010/1217 art. 4 Sch.
- Act modified by S.I. 2010/1218 art. 4 Sch.

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(5A)-(5C) inserted by 2014 asp 3 s. 50(2)(a)
- s. 20(5ZA)-(5ZC) inserted by 2015 c. 20 s. 15(2)
- s. 21(A1)-(A4) inserted by 2015 c. 20 s. 15(4)
- s. 21(1)-(4) inserted by 2014 asp 3 s. 50(3)(b)
- s. 21(5) s. 21 renumbered as s. 21(5) by 2014 asp 3 s. 50(3)(a)
- s. 21(5) words renumbered as s. 21(5) by 2015 c. 20 s. 15(5)
- s. 21(5) words substituted by 2014 asp 3 s. 50(3)(a)
- s. 21(5) words substituted by 2015 c. 20 s. 15(5)
- s. 30(5A) inserted by 2015 c. 15 Sch. 6 para. 52(3)
- s. 30(8A) inserted by 2015 c. 15 Sch. 6 para. 52(5)
- s. 31(4)(a)(iii) inserted by 2014 asp 3 sch. 3 para. 4(2)(a)(ii)
- s. 31(4A) inserted by 2015 c. 15 Sch. 6 para. 53
- s. 31(6) inserted by S.I. 2013/755 Sch. 2 para. 343(3)
- s. 40(za) inserted by S.I. 2013/755 Sch. 2 para. 345
- s. 41A(2)(c) words substituted by S.I. 2010/675 Sch. 26 Pt. 1 para. 10(2)
- s. 41A(2)(c) words substituted by S.I. 2016/1154 Sch. 29 Pt. 1 para. 11(a)
- s. 41A(3)(a) words in s. 41A(3) renumbered as s. 41A(3)(a) by 2014 asp 3 sch. 3 para. 4(6)(c)(i)
- s. 41A(3)(b) inserted by 2014 asp 3 sch. 3 para. 4(6)(c)(ii)
- s. 41A(4) words substituted by S.I. 2010/675 Sch. 26 Pt. 1 para. 10(4)(a)
- s. 41A(4) words substituted by S.I. 2010/675 Sch. 26 Pt. 1 para. 10(4)(b)
- s. 41A(4) words substituted by S.I. 2016/1154 Sch. 29 Pt. 1 para. 11(b)
- s. 56(7) inserted by 2015 c. 15 Sch. 6 para. 56