

1987 No. 1379

HOUSING, ENGLAND AND WALES

The Grants by Local Housing Authorities (Appropriate Percentage and Exchequer Contributions) Order 1987

Made 30th July 1987

Coming into force 31st July 1987

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 509(1) and (2) and 517(1) and (2) of the Housing Act 1985(a), and of all other powers enabling them in that behalf, and with the consent of the Treasury, hereby make the following Order, a draft of which has been laid before, and has been approved by resolution of, the House of Commons:

Citation and commencement

1. This Order may be cited as the Grants by Local Housing Authorities (Appropriate Percentage and Exchequer Contributions) Order 1987, and shall come into force forthwith.

Appropriate percentage for determining the amount or the maximum amount of grant

2. The appropriate percentage in relation to an application for a grant approved after 30th April 1987 shall be the percentage applicable to that application in accordance with the following provisions of this Order.

3.—(1) Subject to article 6, the appropriate percentage in relation to an application for a grant to which paragraph (2) or (3) applies is 75 per cent.

(2) This paragraph applies to an application for a grant where one or more of the following conditions is satisfied:—

- (a) on the date on which the application is approved the premises in respect of which it is made are in a housing action area;
- (b) the application is in respect of a dwelling or a house in multiple occupation which is, or which forms part of, or which in the case of a dwelling is to be provided by the conversion of, a house in relation to which the local housing authority have served a notice under section 189 or 264 of the Housing Act 1985 and the relevant works consist of or include works which if executed would contribute towards rendering the house fit for human habitation;
- (c) (i) the dwelling to which the application relates lacks, or is to be provided by the conversion of a dwelling which lacks, one or more of the standard amenities, and

(a) 1985 c.68.

- (ii) the relevant works consist of or include the provision of a standard amenity which is lacking, and
- (iii) the local housing authority are satisfied that the standard amenity which is to be provided, or, where more than one such amenity is to be provided, each of them, has been lacking for a period of not less than 12 months ending on the date on which the application was made;
- (d) the application is in respect of a dwelling which is or is to be provided by the conversion of a dwelling which is in need of works of repair of a substantial and structural character, and the relevant works consist of or include such works;
- (e) the application is for an improvement grant in respect of the provision or improvement of a dwelling for a disabled occupant and the relevant works consist of or include works needed to meet a requirement arising from the particular disability from which he suffers;
- (f) the application is for an intermediate grant and the relevant works consist of or include the provision for a disabled occupant of any standard amenity where an existing amenity of the same description is not or will not be readily accessible to the disabled occupant by reason of his disability.

(3) This paragraph applies to an application for a special grant where either of the following conditions is satisfied:—

- (a) the relevant works consist of or include the provision of any of the standard amenities and the local housing authority consider such provision is necessary to make the house in multiple occupation reasonably suitable for occupation by the number of individuals or households for the time being occupying it;
- (b) the house is not provided with such means of escape from fire as the local housing authority consider necessary and the relevant works consist of or include the provision of such means of escape.

4. In relation to an application for a grant to which article 3 does not apply but where on the date on which the application is approved, the premises in respect of which the application is made are in a general improvement area, the appropriate percentage is 65 per cent.

5. Subject to article 6, in relation to an application for a grant to which neither article 3 nor 4 applies, the appropriate percentage is 50 per cent.

6. In relation to an application for a grant, where it appears to the local housing authority that the applicant would not without undue hardship be able to finance so much of the cost of the relevant works as is not met by the grant,—

- (a) if apart from this article the appropriate percentage would be 75 per cent., it shall instead be 90 per cent.; and
- (b) if apart from this article the appropriate percentage would be 50 per cent., it shall instead be 65 per cent.

Contributions by the Secretary of State

7. With respect to applications for grants approved after 30th April 1987 the percentages specified in subsection (3) of section 516 of the Housing Act 1985 are varied in the following descriptions of cases:—

- (a) in paragraph (a), by the substitution of 75 per cent. in respect of cases in which in accordance with article 4 of this Order the appropriate percentage is 65 per cent.;
- (b) in paragraph (b), by the substitution of 90 per cent. in respect of cases in which in accordance with article 3 or 6 of this Order the appropriate percentage is 75 per cent. or 90 per cent.

8.—(1) Subject to paragraph (2) below, the Grants by Local Authorities (Appropriate Percentage and Exchequer Contributions) Order 1980(a) and the Grants by Local

(a) S.I. 1980/1735.

Authorities (Appropriate Percentage and Exchequer Contributions) (Amendment) Order 1981(a) are hereby revoked.

(2) Nothing in this Order shall affect the operation of the Grants by Local Authorities (Appropriate Percentage and Exchequer Contributions) Order 1980 and the Grants by Local Authorities (Appropriate Percentage and Exchequer Contributions) (Amendment) Order 1981 in respect of applications for grants approved on or before 30th April 1987.

27th July 1987

Nicholas Ridley
Secretary of State for the Environment

23rd July 1987

Peter Walker
Secretary of State for Wales

We consent,

30th July 1987

Michael Neubert
Nigel Lawson
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

The amount of a grant for the improvement, repair or conversion of a dwelling or a house in multiple occupation under Part XV of the Housing Act 1985 ("the 1985 Act") is determined inter alia by the "appropriate percentage" of the cost of the works to be carried out. Section 509 of the 1985 Act provides for this percentage to be ascertained from orders made by the Secretary of State. Articles 2 to 6 of this Order prescribe the appropriate percentage for different descriptions of cases.

Article 7 of the Order specifies the percentages of grants under Part XV which may be contributed by the Secretary of State towards expenses incurred by a local housing authority in making such grants. The effect of the Order, taken together with section 516 of the 1985 Act, is to set the percentage which may be contributed by the Secretary of State at 90 per cent. where the appropriate percentage is 75 per cent. or 90 per cent., and at 75 per cent. in all other cases.

Sections 509 and 517 of the 1985 Act enable Orders to operate with respect to applications for grant approved after a date specified in the relevant Order so long as that date is not earlier than the date of the laying of a draft of the Order before the House of Commons. This Order was laid on 8th April 1987, and has effect with respect to applications for grant approved after 30th April 1987.

This Order consolidates the Grants by Local Authorities (Appropriate Percentage and Exchequer Contributions) Order 1980 and the Grants by Local Authorities (Appropriate Percentage and Exchequer Contributions) (Amendment) Order 1981 which cease to have effect except in relation to applications for grants approved on or before 30th April 1987. Article 7 is redrafted so that 90 per cent. of the expense incurred may be contributed by the Secretary of State in relation to applications for grants in General Improvement Areas, where the appropriate percentage is 75 per cent. Other Orders still in force under sections 509 and 517 of the 1985 Act are S.I. 1982/581 and S.I. 1982/1763.

(a) S.I. 1981/1712.