

## SCHEDULES

### SCHEDULE 2

#### SMOKE CONTROL ORDERS: EXPENDITURE ON OLD PRIVATE DWELLINGS

##### *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.

*Status: This is the original version (as it was originally enacted).*

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- (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.