
EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers on local housing authorities in England and Wales a new power to improve living conditions in their area (article 3). The new power enables an authority to provide assistance to any person for—

- (a) the acquisition of living accommodation, where the authority wish to purchase a person's home or as an alternative to adapting, improving or repairing it;
- (b) the adaptation or improvement of living accommodation (including by alteration, conversion or enlargement, and by the installation of things or injection of substances);
- (c) the repair of living accommodation;
- (d) the demolition of buildings comprising or including living accommodation;
- (e) the construction of replacement living accommodation to replace living accommodation that has been demolished.

Authorities are required to consider a person's ability to meet a contribution or to repay the assistance, both before imposing a condition to that effect and before taking steps to enforce a condition of that kind. They are also required to provide a written statement of the conditions to which assistance is subject, and to ensure that a person to whom assistance is given has received advice or information about any obligations to which he would be subject once assistance has been provided. They may take security, including a charge on property.

The new power is not exercisable until the authority has adopted and published a policy relating to their exercise of the power, and the power must be exercised in accordance with the policy (article 4).

Where the new power is to be exercised in relation to a building, the prior consent of the owner is required (article 5). Other protective provisions require authorities to obtain the consent of the person to whom the assistance was provided before varying the specification of any assisted work, and before varying or revoking any condition to which the assistance is subject.

Authorities are empowered to require the provision of information and evidence for the purposes of, or in connection with, the new power (article 6).

Articles 7 and 8 provide for the making of contributions towards authorities' expenditure under the new power, and for the recovery of contributions.

Article 9 and Schedule 1 make amendments consequential on article 3.

Article 10 and Part 1 of Schedule 2 amend section 435 of the Housing Act 1985. Part 2 of that Schedule makes amendments consequential on the amendments in Part 1.

Article 11 and Schedule 3 amend Parts 1 and 4 of the Housing Grants, Construction and Regeneration Act 1996. Chapter 1 of Part 1 is retained only for the purposes of what was previously mandatory disabled facilities grant. The other purposes for which grant is payable under that Chapter, and the provisions of Chapters 2 and 3 of Part 1 relating to group repair schemes and home repair assistance, are subsumed in the new power.

Article 12 and Schedule 4 make consequential amendments to section 116 of the Rent Act 1977, sections 100, 244 and 255 of the Housing Act 1985 and section 169 of the Local Government and Housing Act 1989.

Article 13 amends section 93(5) and (6) of the Local Government and Housing Act 1989.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Article 14 and Schedule 5 amend Part 7 of the Local Government and Housing Act 1989. The general effect of the amendments is to remove restrictions relating to renewal areas.

Article 15 and Schedule 6 provide for the repeal of provisions.