
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 461

The Housing Grants (Assessment of Contributions) (Scotland) Regulations 2003

PART III

**ASSESSMENT OF CONTRIBUTIONS –
NON-OCCUPIERS AND OTHER PREMISES**

Interpretation

28. In this Part of these Regulations–

“actual value” means the value of the house on the date of the application;

“added value” means, subject to regulation 31, the difference between the actual value of the house and the assumed value of the house;

“assumed value” means the value of the house determined on the assumption that the works have already been satisfactorily carried out at the date of the application;

“house” in relation to an application referred to in regulation 29(b), has the meaning assigned by section 108(8) of the Act;

“refurbishment scheme” means a scheme where a single contract is to be let to undertake a similar programme of improvement or repair works to 3 or more houses and the works are not works to which regulation 33(d) applies or repair work carried out by a local authority under section 108(3) of the Act;

“value” in relation to actual value and assumed value, shall be determined by reference to the price which could be expected to be obtained for the house were it to be available for sale on the open market with vacant possession.

Applications to which Part III applies

29. The classes of application to which this Part applies are–

- (a) an application by the owner where the owner, or any member of the owner’s family, does not occupy or intend to occupy the house as that person’s main or only residence; or
- (b) an application which relates to other premises (within the meaning of section 108(8)(b) of the Act) other than a house and which relates to a repairs notice that has been served in terms of that section.

Determination of added value

30. The added value shall be determined by a qualified valuer nominated by the local authority by which the application is received.

Circumstances where added value deemed to be nil

31. The added value shall be deemed to be nil where the applicant is—

- (a) a registered social landlord in terms of section 57 of the Housing (Scotland) Act 2001⁽¹⁾; or
- (b) any charitable body or other body that does not trade for profit and is established for the purpose of, or has among its objects and powers—
 - (i) the provision, construction, improvement or management of houses to be kept available for letting;
 - (ii) the provision, construction, improvement or management of houses for occupation by members of the body, where the rules of the body restrict membership to persons entitled or prospectively entitled (as tenants or otherwise) to occupy a house provided or managed by the body;
 - (iii) acquiring, or repairing and improving, or creating by the conversion of houses or other property, houses to be disposed of on sale, on lease or on shared ownership terms; or
 - (iv) constructing houses to be disposed of on shared ownership terms.

Calculation of applicant's contribution

32. Subject to regulation 33, an applicant's contribution shall be the added value plus 80% of the amount by which the approved expense exceeds the added value.

Reduction of applicant's contribution

33.—(1) Subject to regulation 34, the applicant's contribution shall be reduced by 20% of the amount by which the approved expense exceeds the added value for each qualifying condition which applies.

(2) The qualifying conditions are—

- (a) that the works to which the application relates are required—
 - (i) for the provision of housing by the conversion or subdivision of the house or houses; or
 - (ii) to facilitate the re-occupation of the house or houses which have been vacant for no less than 2 years prior to the date of application;
- (b) that the works to the house to which the application relates will bring the house up to the tolerable standard in terms of section 86 of the Act;
- (c) that the works to which the application relates are part of a refurbishment scheme;
- (d) that the works to which the application relates are to make improvements or carry out repairs in respect of a building which comprises either two or more separate houses, or a house or houses and other separate premises where—
 - (i) the works will benefit either two or more such houses, or house or houses and other separate premises; and
 - (ii) the cost of the improvements or repairs will be shared among the owners or occupiers of those houses or other separate premises;
- (e) that the works to which the application relates shall—
 - (i) increase substantially the extent to which any disabled person can independently enter and move around the house and operate all fittings, services and controls; and

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- (ii) exceed the requirements of the Building Standards (Scotland) Regulations 1990(2) in this respect;
- (f) that the applicant is—
 - (i) a registered social landlord in terms of section 57 of the Housing (Scotland) Act 2001; or
 - (ii) any charitable body or other body that does not trade for profit and is established for the purpose of, or has among its objects and powers—
 - (aa) the provision, construction, improvement or management of houses to be kept available for letting;
 - (bb) the provision, construction, improvement or management of houses for occupation by members of the body, where the rules of the body restrict membership to persons entitled or prospectively entitled (as tenants or otherwise) to occupy a house provided or managed by the body;
 - (cc) acquiring, or repairing and improving, or creating by the conversion of houses or other property, houses to be disposed of on sale, on lease or on shared ownership terms; or
 - (dd) constructing houses to be disposed of on shared ownership terms.

Applicant's contribution not to be less than added value

- 34.** In no circumstances shall the applicant's contribution be less than the added value.