



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 2

#### SCHEME OF ASSISTANCE FOR HOUSING PURPOSES

VALID FROM 01/04/2009

#### *Miscellaneous and supplementary*

#### **88 Limitation on further grant and loan applications**

- (1) Where an application for a grant or subsidised loan has been approved in respect of any work—
  - (a) a local authority must not approve a further grant or, as the case may be, subsidised loan in respect of the same work, but
  - (b) where an application for a grant has been approved, a local authority may approve an application for a standard loan in respect of the same work for an amount not exceeding the amount of the approved expense less the amount of the grant.
- (2) Where an application for a grant or a subsidised loan has been approved in respect of any work, the local authority must not, within the period of 10 years beginning with the date on which the application was approved, approve a further application for a grant or subsidised loan in respect of the land on or premises in which the work is carried out unless it is satisfied that at least one of the conditions set out in subsection (3) applies.
- (3) Those conditions are—
  - (a) that the need for the work to which the further application relates was not reasonably foreseeable when the original application was approved,
  - (b) that it would not have been reasonably practicable to carry out that work at the same time as the work to which the original application related,
  - (c) that the work to which the further application relates was not considered by the authority to be eligible for a grant or subsidised loan when the original application was approved,

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- (d) the application is made in response to an invitation made by the authority to the applicant under section 90(1).

## **89 Grant and loan applications: offences**

- (1) A person who—
- (a) knowingly or recklessly makes a statement—
    - (i) in an application for a grant or loan, or
    - (ii) in response to a requirement made under section 74(4), which is false in a material particular, or
  - (b) fails, without reasonable excuse, to notify the local authority, as soon as reasonably practicable, of any change of circumstances which—
    - (i) occurs prior to notification of the authority's decision on an application for a grant or loan being given to that person, and
    - (ii) that person could reasonably be expected to regard as material to the application,
- is guilty of an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **90 Work to improve energy efficiency and safety**

- (1) Where—
- (a) an application for a grant or loan has been made in respect of work in any premises, and
  - (b) the local authority considers that those premises will, on completion of that work—
    - (i) where the premises are a house, meet the tolerable standard, and
    - (ii) in any case, be in a reasonable state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the premises,
- the local authority may invite an application (or, as the case may be, a further application) for a grant or subsidised loan in respect of any work in those premises of the type specified in subsection (2).
- (2) The work in respect of which such an invitation may be made is—
- (a) in the case of a house—
    - (i) replacement of unsafe electrical wiring,
    - (ii) installation of mains-powered smoke detectors,
    - (iii) provision of adequate thermal insulation, and
  - (b) in the case of any premises any part of which is owned in common, installation of—
    - (i) a fire-resistant door at the entry to each place forming part of those premises which is, or which is capable of being, occupied separately,
    - (ii) a main door entry-phone system.

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## **91 Local authority payments to not for profit lenders**

- (1) A local authority may make payments to a designated lender for the purposes of enabling or assisting the lender to lend sums to individuals to assist them with—
  - (a) the acquisition or sale (or the proposed acquisition or sale) of a house, or
  - (b) work on any land or any premises for any of the purposes mentioned in section 71(2).
- (2) A designated lender is an organisation which—
  - (a) carries on a business providing such assistance, and
  - (b) does not carry on that business for profit.
- (3) Payments made under subsection (1) may be subject to such terms as the authority thinks fit.
- (4) Those terms may include—
  - (a) terms as to repayment,
  - (b) terms restricting the terms on which the designated lender lends sums to individuals.
- (5) The Scottish Ministers may, by regulations—
  - (a) amend the definition of “designated lender” in subsection (2),
  - (b) make provision as to the terms which may be imposed under subsection (3) (including provision restricting or requiring the imposition of a term).

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