



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART XIII

LOCAL AUTHORITY GRANTS FOR IMPROVEMENT, REPAIR AND CONVERSION

Improvement grants

236 Power of local authorities to make improvement grants.

- (1) Subject to the provisions of this Part, a local authority may give assistance by making an improvement grant in respect of—
 - (a) works required for the provision of houses by the conversion of houses or other buildings;
 - (b) works required for the improvement of houses.
- (2) Subject to subsection (4), in this Part—
 - (a) “improvement”, in relation to a house, includes—
 - (i) alteration and enlargement,^{F1}...
 - ^{F2}(ia) replacement of unsafe electrical wiring,
 - (ib) installation of mains-powered smoke detectors,
 - (ic) provision of adequate heating systems,
 - (id) provision of adequate thermal insulation,]
 - (ii) in relation to a house for a disabled occupant, the doing of works required for making it suitable for his accommodation, welfare or employment;
 - ^{F3}(iii) in relation to a building in common ownership, the matters specified in subsection (2A);]
 - (b) any reference to works required for the provision or improvement of a house, whether generally or in any particular respect, includes a reference to any works of repair or replacement needed in the opinion of the local authority paying the grant for the purpose of enabling the house to which the improvement relates to attain a good state of repair,

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and “improved” shall be construed accordingly.

[^{F4}(2A) The matters referred to in subsection (2)(a)(iii) are the installation of—

- (a) a fire-retardant door at the entrance to each house,
- (b) a main door entry-phone system.]

(3) In this section—

“disabled occupant” means a disabled person for whose benefit it is proposed to carry out works in respect of which an improvement grant is sought;

“disabled person” [^{F5}has the same meaning as in the Disability Discrimination Act 1995 (c.50)];

“house for a disabled occupant” means a house which—

- (a) is a disabled occupant’s only or main residence when an application for an improvement grant in respect of it is made; or
- (b) is likely in the opinion of the local authority to become a disabled occupant’s only or main residence not later than the expiry of a reasonable period after the completion of the works in respect of which an improvement grant is sought.

(4) Any reference in this Part to works required for the improvement of a house does not include a reference to works specified in a notice under section 162 (which empowers a local authority to require the provision of means of escape in the case of fire in a house in multiple occupation) or to works required in connection with works so specified.

Textual Amendments

- F1** Word in s. 236(2)(a)(i) repealed (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), **ss. 96(1)(a)**, 113(1); [S.S.I. 2003/434](#), art. 2, sch. (with arts. 3, 4)
- F2** S. 236(2)(a)(ia)-(id) inserted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), **ss. 96(1)(b)**, 113(1); [S.S.I. 2003/434](#), art. 2, sch. (with arts. 3, 4)
- F3** S. 236(2)(a)(iii) inserted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), **ss. 96(1)(c)**, 113(1); [S.S.I. 2003/434](#), art. 2, sch. (with arts. 3, 4)
- F4** S. 236(2A) inserted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), **ss. 96(2)**, 113(1); [S.S.I. 2003/434](#), art. 2, sch. (with arts. 3, 4)
- F5** Words in s. 236(3) substituted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), **ss. 96(3)**, 113(1); [S.S.I. 2003/434](#), art. 2, sch. (with arts. 3, 4)

[^{F6}236A Power to make improvement grants: further provision

- (1) A tenant is not eligible for an improvement grant unless the works in respect of which the grant is sought have, for the period of 2 years preceding the tenant’s application, been his responsibility under his lease.
- (2) Subsection (1) does not apply if the works are—
 - (a) for the purpose mentioned in section 236(2)(a)(ii), or
 - (b) required for the health and safety of the occupants of the house.
- (3) The Scottish Ministers may by order modify subsections (2)(a) and (2A) of section 236, either generally or in relation to particular cases or areas.
- (4) No such order shall be made unless a draft of the order has been laid before, and approved by resolution of, the Scottish Parliament.]

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Textual Amendments

- F6** S. 236A inserted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), ss. 96\(4\), 113\(1\)](#); S.S.I. 2003/434, art. 2, sch. (with arts. 3, 4)

237 Form of application.

[^{F7}(1)] An application for an improvement grant shall be in such form as may from time to time be prescribed and shall contain full particulars of—

- (a) the works which are proposed to be or are being carried out together with plans and specifications of the works;
- (b) the land on which those works are proposed to be or are being carried out; ^{F8} ...
- (c) the expenses (including any professional fees) estimated to be incurred in executing the works, and where the application relates to the provision or improvement of more than one house, the estimate shall specify the proportion of the expenses attributable to each house proposed to be provided or improved., [^{F9}, and
- (d) such other matters, including information on the matters mentioned in section 240A(2)(a), as may be prescribed.]

[^{F10}(2) Different forms and different information may be prescribed under subsection (1) for different purposes.

(3) A local authority may require an applicant to provide, within such reasonable period as they may specify, such information as they consider necessary to satisfy themselves that the information in the application form is accurate.

(4) The local authority shall disregard any application from an applicant who fails to comply with such a requirement.]

Textual Amendments

- F7** S. 237(1): s. 237 renumbered as s. 237(1) (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), ss. 97\(1\)\(a\), 113\(1\)](#); S.S.I. 2003/434, art. 2, sch. (with arts. 3, 4)
- F8** Word in s. 237(1)(b) repealed (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), ss. 97\(1\)\(b\), 113\(1\)](#); S.S.I. 2003/434, art. 2, sch. (with arts. 3, 4)
- F9** S. 237(1)(d) and word inserted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), ss. 97\(1\)\(c\), 113\(1\)](#); S.S.I. 2003/434, art. 2, sch. (with arts. 3, 4)
- F10** S. 237(2)-(4) inserted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), ss. 97\(1\)\(c\), 113\(1\)](#); S.S.I. 2003/434, art. 2, sch. (with arts. 3, 4)

[^{F11}237A Offences in relation to applications for improvement grant

(1) A person who—

- (a) knowingly or recklessly makes a statement—
 - (i) in an application for an improvement grant,
 - (ii) in response to a requirement made under section 237(3),
 which is false in a material particular,
- (b) fails, without reasonable excuse, to notify the local authority of any change of circumstances material to that person's case, or

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- (c) fails, without reasonable excuse, to comply with a requirement made under section 237(3),
 shall be guilty of an offence.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

Textual Amendments

F11 S. 237A inserted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), **ss. 97(2)**, 113(1); S.S.I. 2003/434, **art. 2**, **sch.** (with **arts. 3, 4**)

238 Powers of local authority.

- (1) Subject to this Part, a local authority may approve, or refuse to approve, [^{F12}an application under section 237].
- (2) If it approves the application, it shall [^{F13}, subject to this Part,] make an improvement grant.

Textual Amendments

F12 Words in s. 238(1) substituted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 113(1), **Sch. 10 para. 13(23)(a)**; S.S.I. 2003/434, **art. 2**, **Sch.** (with **arts. 3, 4**)

F13 Words in s. 238(2) inserted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 113(1), **sch. 10 para. 13(23)(b)**; S.S.I. 2003/434, **art. 2**, **sch.** (with **arts. 3, 4**)

239 Consent of Secretary of State.

- (1) The Secretary of State may give directions to a local authority or to local authorities generally, requiring that an application for an improvement grant or all such applications of any class specified in the directions shall not be approved except with the consent of the Secretary of State and subject to any conditions which he may impose.
- (2) It shall be the duty of any local authority to comply with any such directions.

[^{F14}239A Power of Secretary of State to give directions to prevent duplications of grant.

- (1) The Secretary of State may, so as to prevent the duplication of the making of grants under this Part in respect of the same works, give directions to—
- (a) a local authority; [^{F15}and]
 - (b) local authorities generally; [^{F16} . . .
 - (c)
- as to the circumstances in which they, or any of them, may or may not exercise their powers under this Part [^{F17}or are or are not to perform their duties under this Part].
- (2) It shall be the duty [^{F18} . . . of any local authority to whom directions have been given to comply with such directions.]

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Textual Amendments

- F14** S. 239A added by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 2\(8\)](#)
- F15** Word in s. 239A(1)(a) inserted (1.11.2001) by [2001 asp 10, s. 112, Sch. 10 para. 13\(24\)\(a\)\(ii\)](#); [S.S.I. 2001/336, art. 2\(3\), Sch. Pt. II](#) (subject to art. 3)
- F16** S. 239A(1)(c) and the preceding word “and” repealed (1.11.2001) by [2001 asp 10, s. 112, Sch. 10 para. 13\(24\)\(a\)\(ii\)](#); [S.S.I. 2001/336, art. 2\(2\), Sch. Pt. II](#) (subject to art. 3)
- F17** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 194\(1\), Sch. 11 para. 95](#)
- F18** Words in s. 239A(2) repealed (1.11.2001) by [2001 asp 10, s. 113\(1\), Sch. 10 para. 13\(24\)\(b\)](#); [S.S.I. 2001/336, art. 2\(2\), Sch. Pt. II](#) (subject to art. 3)

240 Conditions for approval of applications for improvement grant other than applications relating exclusively to the provision of standard amenities.

- (1) A local authority shall not approve an application for an improvement grant—
- (a) unless they are satisfied that the owner of every parcel of land on which the improvement works are to be or are being carried out, (other than land proposed to be sold or leased under section ^[F19]12(4)), has consented in writing to the application and to being bound by any conditions imposed by or under section 246;
 - (b) if the improvement works specified in it have been begun, unless they are satisfied that there were good reasons for beginning the works before the application was approved.
- (2) A local authority shall not approve any such application, other than an application to which section 244 (provision of standard amenities) applies—
- (a) unless, subject to subsection (6), they are satisfied that—
 - (i) the house or houses to which the application for an improvement grant relates will provide satisfactory housing accommodation for such period and conform with such requirements with respect to construction and physical condition and the provision of services and amenities as may be specified for the time being for the purposes of this section by the Secretary of State, and
 - (ii) in a case where the house or houses to which the said application relates is or are comprised in a building containing more than one house, the works to be carried out on the house or houses will not prevent the improvement of any other house in that building;
 - (b) if the application is in respect of the improvement or conversion of a house provided ^[F20] less than 10 years prior to the date of the making of the application], but the Secretary of State may give directions, either generally or with respect to any particular case, as to the waiving of this provision;
 - (c) if, subject to subsections (3) to (6), it is made by the owner of the house to which the application relates or by a member of his family and the house or any part thereof is to be occupied by that owner or by a member of his family after completion of the works and—
 - ^[F21](i) the range of values for the valuation band in which the occupied premises are listed exceeds the range of values for the prescribed valuation band; or

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- (ii) if it is to be provided by the conversion of two or more houses, the aggregate of the middle values of the valuation band in which each of those houses is listed exceeds the highest value of the range of values for the prescribed valuation band:]

Provided that where sub-paragraph (i) applies, a local authority may approve such an application if it is made in relation to a part of the house which after completion of the works will be self-contained and is not to be occupied by the owner or by a member of his family.

- (3) Paragraph (c) of subsection (2) shall not apply—
- (a) where the house to which the application relates is in a housing action area for improvement declared under section 90 and is listed in the final resolution under section 92(4)(b) or (c) as requiring improvement or integration;
 - (b) where the house to which the application relates is subject to an improvement order made under section 88(1);
 - (c) in relation to an application for an improvement grant for the conversion of a building which does not at the date of the application consist of or include a house; or
 - (d) to a house which is to be occupied by a disabled person (as defined in section 236(3)) in so far as the application is in respect of works which his disability renders necessary if the house is to be suitable for his accommodation, welfare or employment.

[^{F22}(4) In paragraph (c) of subsection (2)—

“middle value”, in relation to a valuation band, means the amount midway between the amount which values in that range must exceed or in the case of valuation band A nothing, and the amount which they must not exceed;

“prescribed valuation band” means such valuation band as the Secretary of State with the consent of the Treasury may prescribe; and different valuation bands may be so prescribed for different cases and for different classes of cases; and a valuation band so prescribed shall be prescribed by order of the Secretary of State made by statutory instrument which shall be subject to annulment by resolution of either House of Parliament; and

references to a valuation band and a range of values shall be construed in accordance with section 74 of the Local Government Finance Act 1992 ^{F23} and are references to those which apply on the date of the application for grant.

- (4A) For the purpose of this section, premises or a house are listed in a particular valuation band if that valuation band is shown as applicable to the premises or house in the valuation list compiled in accordance with Part II of the Local Government Finance Act 1992 or section 26 of the Local Government etc. (Scotland) Act 1994 ^{F24}.]
- (5) The Secretary of State may by order made in a statutory instrument which shall be subject to annulment by resolution of either House of Parliament vary the provisions of paragraph (c) of subsection (2).
 - (6) The local authority may, with the approval of the Secretary of State, disregard any requirement specified by him under subsection (2)(a)(i) in any case where, in the opinion of the local authority, conformity with that requirement would not be practicable at a reasonable expense.

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Textual Amendments

- F19** Figure substituted (*retrospectively*) by Housing (Scotland) Act 1988 (c. 43, SIF 61), s. 72(1), **Sch. 7 para. 10**
- F20** Words in s. 240(2)(b) substituted (1.10.2003) by Housing (Scotland) Act 2001 (asp 10), **ss. 98, 113(1); S.S.I. 2003/434, art. 2, sch.** (with arts. 3, 4)
- F21** S. 240(2)(c)(i)(ii) substituted (1.4.1996) by S.I. 1996/631, **reg. 2(a)**
- F22** S. 240(4)(4A) substituted (1.4.1996) for s. 240(4) by S.I. 1996/631, **reg. 2(b)**
- F23** 1992 c.14.
- F24** 1994 c.39.

Modifications etc. (not altering text)

- C1** S. 240 continued (1.4.1996) by S.I. 1996/631, **reg. 3**

[^{F25} 240A Assessment of applicant's contribution

- (1) The Scottish Ministers may by regulations make provision for the assessment, in relation to such classes of application for an improvement grant as the regulations may specify, of an amount to be treated, for the purposes of section 242(1)(b), as the applicant's contribution towards the approved expense.
- (2) Regulations under subsection (1) may provide for assessment to be by reference to—
 - (a) the income and other financial circumstances of the applicant, the applicant's spouse, any person who lives or intends to live with the applicant and any person on whom the applicant is dependent or who is dependent on the applicant,
 - (b) such other criteria as the Scottish Ministers think fit,
 and may make different provision for different cases or descriptions of case.
- (3) Regulations under subsection (1) shall be made by statutory instrument and shall not be made unless a draft has been laid before, and approved by resolution of, the Scottish Parliament.
- (4) In this Part—

“the applicant's contribution” means an amount assessed under subsection (1),

“approved expense” means, in relation to works referred to in an application, the amount of the expense of executing those works (as estimated in the application) approved by the local authority as being attributable to each house proposed to be provided or improved.]

Textual Amendments

- F25** Ss. 240A, 240B inserted (1.10.2003) by Housing (Scotland) Act 2001 (asp 10), **ss. 99, 113(1); S.S.I. 2003/434, art. 2, sch.** (with arts. 3, 4)

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[^{F26}240B Applicant's contribution: review

- (1) Where an applicant for an improvement grant requests a review of an assessment of the applicant's contribution, the local authority to which the application was made shall review the assessment.
- (2) A request for a review shall be made before the end of the period of 21 days beginning with the day on which the notice under section 241(1) was given or such longer period as the authority may allow.
- (3) A review under subsection (1) shall be carried out by a person senior to the person who made the assessment being reviewed and who had no involvement in the making of that assessment.
- (4) The authority shall notify the applicant of the decision reached on review.
- (5) Notice required to be given to the applicant under subsection (4) shall be given in writing and shall, if not received by him, be treated as having been given only if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.
- (6) There is no right to request a review of a decision reached on review.]

Textual Amendments

F26 Ss. 240A, 240B inserted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), **ss. 99, 113(1)**; [S.S.I. 2003/434](#), [art. 2](#), [sch.](#) (with [arts. 3, 4](#))

241 Approval of application for improvement grant.

- (1) Where a local authority approve an application made under the provisions of this Part for an improvement grant, they shall notify the applicant and where appropriate, the owner, of
 - [^{F27}(a) the approved expense,
 - (b) the applicant's contribution (where it has been assessed under section 240A),
 - (c) the amount of the grant (and, where the grant is a minimum percentage grant, a statement of that fact).]
- (2) In approving an application for an improvement grant a local authority may require as a condition of paying the grant that the improvement works are carried out within such period (which must not be less than a period of 12 months) as the local authority may specify or within such further period as the local authority may allow.
- (3) Where a local authority—
 - (a) refuse an application, or
 - [^{F28}(b) approve an application but fix as the approved expense in respect of any house an amount less than the amount of the expense estimated in the application in respect of that house (unless the approved expense is the maximum amount which may be fixed under section 242).]
 they shall notify the applicant in writing of the grounds of their decision.

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Textual Amendments

F27 S. 241(1)(a)-(c) substituted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), ss. 100\(2\), 113\(1\); S.S.I. 2003/434, art. 2, sch. \(with arts. 3, 4\)](#)

F28 S. 241(3)(b) substituted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), ss. 100\(3\), 113\(1\); S.S.I. 2003/434, art. 2, sch. \(with arts. 3, 4\)](#)

242 Amount of improvement grant.

[^{F29}(1) Subject to the following provisions of this section—

- (a) the approved expense shall not exceed £20,000, or such other amount as may be prescribed, in respect of each house to which the application relates,
- (b) the amount of improvement grant payable shall be—
 - (i) the approved expense under deduction (where applicable) of the applicant's contribution, or
 - (ii) where subsection (1A) applies, the amount determined by virtue of that subsection,
 whichever is the greater.

(1A) In such cases as the Scottish Ministers may specify in regulations, the amount for the purposes of subsection (1)(b)(ii) shall be such percentage of the approved expense as may be so specified; and such regulations may make different provision for different cases or classes of case.

(1B) Where the amount of improvement grant payable is that determined by virtue of subsection (1A), the grant is referred to in this Part as a “ minimum percentage grant ”.

(1C) Regulations under subsection (1A) shall be made by statutory instrument and shall not be made unless a draft has been laid before, and approved by a resolution of, the Scottish Parliament.]

(2) If, after an application for a grant has been approved by a local authority, the authority are satisfied that owing to circumstances beyond the control of the applicant the expense of the works will exceed the estimate contained in the application, they may, on receiving a further estimate, substitute a higher amount as the amount of the approved expense of executing the works, but that amount shall not exceed the maximum authorised by virtue of subsection [^{F30}(1)(a)].

^{F31}(3)

(4) If the local authority are satisfied that in any particular case—

- (a) there are good reasons for fixing a higher [^{F32}approved expense than that which may be fixed] by virtue of subsection (1), [^{F33}the approved expense] may be exceeded by such amount as the Secretary of State may approve; and the approval of the Secretary of State may be given either with respect to a particular case or with respect to a particular class of case;
- (b) the expense of executing the works was materially enhanced by measures taken to preserve the architectural or historic interest of the house or building to which the application relates, the amount payable by virtue of subsection (1) may be exceeded by such amount as the Secretary of State may approve.

[^{F34}(5) Subsection (5A) applies in relation to an application for an improvement grant, other than—

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- (a) an application to which section 244 applies, or
 - (b) an application in respect of works for the benefit of a disabled occupant within the meaning of section 236(3).
- (5A) Where this subsection applies, the maximum approved expense for the purposes of subsection (1)(a) shall be reduced by the total amount of any qualifying grants and assistance in respect of the same house which have been paid or approved for payment within the period of 10 years preceding the date on which the application is determined.
- (5B) In subsection (5A), “ qualifying grants and assistance ” means—
- (a) improvement grants, other than—
 - (i) grants under section 244,
 - (ii) grants in respect of works for the benefit of a disabled occupant within the meaning of section 236(3), and
 - (iii) minimum percentage grants,
 - (b) repairs grants, other than minimum percentage grants, and
 - (c) assistance under section 42(4) of the Crofters (Scotland) Act 1993 (c.44).]
- (6) Where by virtue of the making on any occasion of an improvement grant in respect of the improvement of a house, the conditions specified in section [F35 246] are required to be observed with respect to the house before the observance thereof by virtue of the making of an improvement grant on a previous occasion has ceased to be requisite, the provisions of sections 246, 247, F36 ...and Schedule 19 shall apply in relation to the house as regards each occasion on which an improvement grant is so made as if it were the only occasion on which it was so made.
- F37 (7)
- F37 (8)
- (9) The maximum approved expense that may be prescribed under subsection (1) F38 ... shall be prescribed by order of the Secretary of State made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) An order under this section may make different provision with respect to different cases or descriptions of case.

Textual Amendments

- F29** S. 242(1)-(1C) substituted for s. 242(1) (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), ss. 101\(2\), 113\(1\); S.S.I. 2003/434, art. 2, sch. \(with arts. 3, 4\)](#)
- F30** Word in s. 242(2) substituted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), ss. 101\(3\), 113\(1\); S.S.I. 2003/434, art. 2, sch. \(with arts. 3, 4\)](#)
- F31** S. 242(3) repealed (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), s. 113\(1\), sch. 10 para. 13\(25\)\(a\); S.S.I. 2003/434, art. 2, sch. \(with arts. 3, 4\)](#)
- F32** Words in s. 242(4) substituted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), ss. 101\(4\)\(a\), 113\(1\); S.S.I. 2003/434, art. 2, sch. \(with arts. 3, 4\)](#)
- F33** Words in s. 242(4) substituted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), ss. 101\(4\)\(b\), 113\(1\); S.S.I. 2003/434, art. 2, sch. \(with arts. 3, 4\)](#)
- F34** S. 242(5)-(5B) substituted for s. 242(5) (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), ss. 101\(5\), 113\(1\); S.S.I. 2003/434, art. 2, sch. \(with arts. 3, 4\)](#)
- F35** Figure substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 72\(1\), Sch. 7 para. 11](#)

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- F36** Word in s. 242(6) repealed (1.10.2003) by Housing (Scotland) Act 2001 (asp 10), s. 113(1), **sch. 10 para. 13(25)(b)**; S.S.I. 2003/434, art. 2, sch. (with arts. 3, 4)
- F37** S. 242(7)(8) repealed (1.10.2003) by Housing (Scotland) Act 2001 (asp 10), s. 113(1), **sch. 10 para. 13(25)(c)**; S.S.I. 2003/434, art. 2, sch. (with arts. 3, 4)
- F38** Words in s. 242(9) repealed (1.10.2003) by Housing (Scotland) Act 2001 (asp 10), s. 113(1), **sch. 10 para. 13(25)(d)**; S.S.I. 2003/434, art. 2, sch. (with arts. 3, 4)

243 Payment of improvement grant.

- (1) An improvement grant in respect of the expenses incurred for the purpose of the execution of improvement works shall, subject to the following provisions of this section, be paid—
 - (a) within one month of the date on which, in the opinion of the local authority, the house first becomes fit for occupation after the completion of the works; or
 - (b) partly in instalments paid from time to time as the works progress and with a final settlement of the balance within one month of the completion of the works but the aggregate of the instalments paid shall not at any time before the completion of the improvement works exceed 50 per cent., or such other percentage fixed by virtue of ^{F39}... section [^{F40}244(7)] of the aggregate approved expense of the works executed up to that time.
- (2) The payment of an improvement grant or of an instalment or the balance thereof shall be conditional on the improvement works, or, as the case may be, the part of the works which the local authority consider will entitle the applicant to payment of the instalment or of the balance of the grant, being executed to the satisfaction of the local authority.
- (3) Where an instalment of an improvement grant is paid before the completion of the works, and the works are not completed within 12 months of the date of payment of the instalment, then that instalment and any further instalment paid by the local authority on account of the grant shall, on being demanded by the authority, forthwith become payable to them by the person to whom the instalments were paid, and the instalments shall carry interest at such reasonable rate as the local authority may determine from the date on which they were paid by the authority until repaid under this subsection.

Textual Amendments

- F39** Words in s. 243(1)(b) repealed (1.10.2003) by Housing (Scotland) Act 2001 (asp 10), s. 113(1), **sch. 10 para. 13(26)**; S.S.I. 2003/434, art. 2, sch. (with arts. 3, 4)
- F40** Figure substituted (*retrospectively*) by Housing (Scotland) Act 1988 (c. 43, SIF 61), s. 72(1), **Sch. 7 para. 12**

244 Duty of local authorities to make improvement grants where an application relates exclusively to the provision of standard amenities or to disabled occupant; and amount thereof.

- (1) Subject to the provisions of this Part, a local authority shall, where an application in that behalf is made to the local authority, give assistance in respect of the improvement of any house by way of making an improvement grant in respect of the cost of executing works required for the house to be provided with one or more of the standard

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amenities which it presently lacks, if on completion of the works the house will, in the opinion of the local authority—

- (a) be provided with all of the standard amenities for the exclusive use of its occupants; and
- (b) meet the tolerable standard.

^{F41}(1A) The standard amenities are those amenities referred to in section 86(1)(e), (f) and (fa).

(1B) An order under section 86(2) may amend the reference to the provisions of that section specified in subsection (1A) of this section.]

(2) A local authority shall not make an improvement grant under this section in respect of a house comprised in a building containing more than one house, unless they are satisfied that the works carried out on the house will not prevent the improvement of any other house in the building.

(3) Where an application in that behalf is made to a local authority in relation to any house, an improvement grant shall be made under subsection (1) in respect of the cost of executing works required for the house to be provided with a standard amenity, notwithstanding that the house already has such a standard amenity, if in the opinion of the local authority the additional standard amenity to be provided is essential to the needs of a disabled occupant.

(4) Paragraph (a) of subsection (1) shall not apply where the house in respect of which application for a grant is made is not likely to be available for use as a house for a period of at least 10 years.

(5) Subsection (1) shall not apply in respect of a house which is or forms part of a house or building as regards which the local authority are satisfied that they have power to serve a notice under section 161 (power to require execution of works of descriptions other than work to make good neglect).

^{F42}(6)

(7) The amount of an improvement grant made under this section shall be [^{F43}a minimum of] 50 per cent. or such other percentage as may be prescribed of the approved expense, ^{F44}

^{F45}(8)

(9) Section 86 shall have effect for determining whether a house meets the tolerable standard for the purposes of subsection (1) as it has effect for determining whether a house meets that standard for the purposes of Part IV.

(10) The Secretary of State may by order—

- (a) vary the requirements of subsection (1)(a) and (b);

^{F46}(b)

^{F47}(11)

(12) The percentage of the approved expense that may be prescribed under subsection (7) [^{F48}shall be prescribed by order of the Scottish Ministers; and different provision may be made for different cases or descriptions of case.]

(13) An order made under subsection ^{F49}...(10)(a) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (14) An order made under subsection (12) shall be made by statutory instrument and shall not be made unless a draft has been laid before and approved by resolution of the House of Commons.

Textual Amendments

- F41** S. 244(1A)(1B) inserted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), **ss. 102(2)(a)**, 113(1); [S.S.I. 2003/434](#), **art. 2**, **sch.** (with arts. 3, 4)
- F42** S. 244(6) repealed (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 113(1), **sch. 10 para. 13(27)(a)**; [S.S.I. 2003/434](#), **art. 2**, **sch.** (with arts. 3, 4)
- F43** Words in s. 244(7) inserted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), **ss. 102(2)(b)**, 113(1); [S.S.I. 2003/434](#), **art. 2**, **sch.** (with arts. 3, 4)
- F44** Words in s. 244(7) repealed (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 113(1), **sch. 10 para. 13(27)(b)**; [S.S.I. 2003/434](#), **art. 2**, **sch.** (with arts. 3, 4)
- F45** S. 244(8) repealed (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 113(1), **sch. 10 para. 13(27)(c)**; [S.S.I. 2003/434](#), **art. 2**, **sch.** (with arts. 3, 4)
- F46** S. 244(10)(b) repealed (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 113(1), **sch. 10 para. 13(27)(c)**; [S.S.I. 2003/434](#), **art. 2**, **sch.** (with arts. 3, 4)
- F47** S. 244(11) repealed (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 113(1), **sch. 10 para. 13(27)(c)**; [S.S.I. 2003/434](#), **art. 2**, **sch.** (with arts. 3, 4)
- F48** Words in s. 244(12) substituted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 113(1), **sch. 10 para. 13(27)(d)**; [S.S.I. 2003/434](#), **art. 2**, **sch.** (with arts. 3, 4)
- F49** Words in s. 244(13) repealed (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 113(1), **sch. 10 para. 13(27)(e)**; [S.S.I. 2003/434](#), **art. 2**, **sch.** (with arts. 3, 4)

245 Grants restricted to applicant and his personal representatives.

In relation to a grant or an application for a grant, any reference in the preceding provisions of this Part to the applicant shall be construed, in relation to any time after his death, as a reference to his personal representatives.

246 Conditions to be observed with respect to houses in respect of which an improvement grant has been made, and registration thereof.

- (1) Where an application for an improvement grant has been approved by a local authority, the provisions of this section shall apply with respect to the house for a period of 5 years beginning with the date on which, in the opinion of the local authority, it first becomes fit for occupation after the completion of the improvement works, and shall, so long as those provisions are required to be so observed, be deemed to be part of the terms of any lease or tenancy of the house and shall be enforced accordingly.
- (2) It shall be a condition of the grant that—
- (a) the house shall not be used for the purposes other than those of a private dwelling-house, but a house shall not be deemed to be used for the purposes other than those of a private dwelling-house by reason only that part thereof is used as a shop or office, or for business, trade or professional purposes;
 - (b) the house shall not be occupied by the owner or a member of his family except as his only or main residence within the meaning of [F50 Part VII of the Taxation of Chargeable Gains Act 1992];
 - (c) all such steps as are practicable shall be taken to secure the maintenance of the house in a good state of repair.

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- (3) The owner of the house shall, on being required to do so by the local authority, certify that the conditions specified in subsection (2) are being observed with respect to the house, and any tenant of the house shall, on being so required in writing by the owner, furnish to him such information as he may reasonably require for the purpose of enabling him to comply with the provisions of this subsection.
- (4) A local authority shall not, as a prerequisite of approving a grant, require any conditions or obligations, other than the conditions mentioned in this Part or other statutory obligations to be observed with respect to a house in respect of which an improvement grant has been made under this Part.
- (5) The provisions of Schedule 19 shall have effect in the event of a breach of any of the conditions mentioned in this section at a time when they are required to be observed with respect to a house.
- (6) Where a local authority pay an improvement grant or, in a case where an improvement grant is payable partly in instalments as the improvement works progress and the balance after the completion of the works in respect of a house, they shall specify in the notice or record mentioned respectively in subsections (7) and (8) the matters specified in subsection (9).
- (7) If subsection (6) applies, the local authority shall, where the applicant for the grant was not a tenant-at-will or was a tenant-at-will who since applying, has acquired his landlord's interest in the tenancy, cause to be recorded in the General Register of Sasines or registered in the Land Register, as the case may be, a notice in such form as may be prescribed.
- (8) If subsection (6) applies, the local authority shall, where that applicant was and continues to be a tenant-at-will, keep a written record.
- (9) The matters to be specified are—
 - (a) the conditions mentioned in this section which are required to be observed with respect to the house;
 - (b) the period for which the conditions are to be observed; and
 - (c) the provisions of Schedule 19 under which, on a breach of any of the said conditions at a time when they require to be observed, the owner of the house becomes liable to repay to the authority the amount repayable by virtue of that Schedule.
- (10) Any expenses incurred under subsection (7) recording the notice in the Register of Sasines or registering it in the Land Register, as the case may be, shall be repaid to the local authority by the applicant.

Textual Amendments

F50 Words in s. 246(2)(b) substituted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\), s. 113\(1\), sch. 10 para. 13\(28\)](#); [S.S.I. 2003/434, art. 2, sch.](#) (with arts. 3, 4)

247 Voluntary repayment of improvement grants.

- (1) The owner of a house in respect of the provision or improvement of which an improvement grant has been made or the holder of a heritable security over the house, being a heritable creditor entitled to exercise his power of sale, may, at any time when

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the conditions specified in section 246 are required to be observed with respect to the house, pay to the local authority the like amount as would become payable to them by virtue of Schedule 19 in the event of a breach of any of the conditions referred to in section 246(2), and on the making of the payment observance with respect to the house of those conditions shall cease to be requisite and the provisions of paragraph [F516] of the said Schedule shall apply for the purposes of this subsection as they apply for the purposes of that Schedule.

- (2) A sum paid under subsection (1) by a heritable creditor shall be treated as part of the sum secured by the heritable security.

Textual Amendments

F51 Word in s. 247(1) substituted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 113(1), **sch. 10 para. 13(29)**; S.S.I. 2003/434, art. 2, sch. (with arts. 3, 4)

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