



Local Government and Housing Act 1989

1989 CHAPTER 42

PART VIII

GRANTS TOWARDS COST OF IMPROVEMENTS AND REPAIRS ETC.

Preliminary conditions

103 The age of the property.

- (1) A local housing authority may not entertain an application for a grant, other than a disabled facilities grant, unless they are satisfied that, at the date of the application, the dwelling, common parts or house or other building concerned was provided not less than the relevant period before that date.
- (2) In subsection (1) above—
 - (a) “provided” means provided by construction or conversion; and
 - (b) “the relevant period” means ten years or such other period as the Secretary of State may by order provide.

104 The interest of the applicant in the property.

- (1) Subject to subsection (4) and section 136 below, a local housing authority may not entertain an application for a grant, other than a common parts grant, unless they are satisfied that—
 - (a) the applicant has, or proposes to acquire, an owner’s interest in every parcel of land on which the relevant works are to be carried out; or
 - (b) in the case of an application for a renovation grant (other than an application in respect of works required for the provision of one or more dwellings by the conversion of a house or other building), the applicant is a tenant of the dwelling (alone or jointly with others) but does not have, or propose to acquire, an owner’s interest in the dwelling; or
 - (c) in the case of an application for a disabled facilities grant in respect of works to a dwelling, the applicant is a tenant of the dwelling (alone or jointly with

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others) but does not have, or propose to acquire, an owner's interest in the dwelling; or

- (d) in the case of an application for a disabled facilities grant in respect of works to the common parts of a building containing one or more flats, the applicant is a tenant of a flat in the building (alone or jointly with others) but does not have, or propose to acquire, such an owner's interest as is referred to in paragraph (a) above;

and references in this Part to an "owner's application" or a "tenant's application" shall be construed accordingly.

- (2) In this Part "owner's interest" means an interest which—
- (a) is held by the applicant alone or jointly with others; and
 - (b) is either an estate in fee simple absolute in possession or a term of years absolute of which not less than five years remain unexpired at the date of the application.
- (3) Where a local housing authority entertain an owner's application made by a person who proposes to acquire the necessary interest, they shall not approve the application until they are satisfied that he has done so.
- (4) In accordance with directions given by the Secretary of State, a local housing authority may treat the condition in subsection (1)(a) above as fulfilled by a person who has, or proposes to acquire, an owner's interest in only part of the land concerned; and directions under this subsection may make different provision with respect to different cases or descriptions of cases, including different provision for different areas.
- (5) A local housing authority may not entertain a tenant's application unless—
- (a) the tenant is required by the terms of his tenancy to carry out the relevant works and his tenancy is not of a description excluded from this subsection by an order made by the Secretary of State; or
 - (b) his tenancy is of a description specified for the purposes of this subsection by an order made by the Secretary of State; or
 - (c) his application is for a disabled facilities grant.

105 Common parts grants: preliminary conditions.

- (1) A local housing authority may not entertain an application for a common parts grant unless they are satisfied—
- (a) that, at the date of the application, at least the required proportion of the flats in the building concerned is occupied by occupying tenants; and
 - (b) that the application is either a landlord's common parts application or a tenants' common parts application.
- (2) In this Part—
- (a) an "occupying tenant", in relation to a flat in a building, is a person—
 - (i) who has (alone or jointly with others) such an interest in the flat as is mentioned in any of paragraphs (b) to (e) of subsection (4) below; and
 - (ii) who occupies the flat as his only or main residence;
 - (b) a "landlord's common parts application", in relation to work to the common parts of a building, is an application for a common parts grant made by a person who—

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- (i) has (alone or jointly with others) such an interest in the building as is mentioned in paragraph (a) or paragraph (b) of subsection (4) below; and
- (ii) has a duty or power to carry out the relevant works; and
- (c) a “tenants’ common parts application”, in relation to works to the common parts of a building, is an application for a common parts grant made, subject to subsection (3) below, by at least three-quarters of the occupying tenants of the building who, under their tenancies, have a duty to carry out, or to make a contribution in respect of the carrying out of, some or all of the relevant works; and in any case where a tenancy is held by two or more persons jointly, those persons shall be regarded as a single occupying tenant in deciding, for the purposes of paragraph (c) above, whether the application is made by at least three-quarters of the occupying tenants referred to in that paragraph.
- (3) For the purposes of paragraph (c) of subsection (2) above, a tenant whose tenancy is of a description specified for the purpose of that paragraph by an order made by the Secretary of State shall be treated as an occupying tenant falling within that paragraph; and a person who falls within paragraph (b)(i) of that subsection and has a duty or power to carry out any of the relevant works may also join in a tenants’ common parts application; and, where such a person does join in an application, he is in this Part referred to as a “participating landlord”.
- (4) The interests referred to in subsection (2) above are as follows—
- (a) an estate in fee simple absolute in possession;
- (b) a term of years absolute of which not less than five years remain unexpired at the date of the application;
- (c) a tenancy to which section 1 of the ^{M1}Landlord and Tenant Act 1954 or Schedule 10 to this Act applies (long tenancies at low rents);
- (d) an assured tenancy, a protected tenancy, a secure tenancy, a protected occupancy or a statutory tenancy; and
- (e) a tenancy which satisfies such conditions as may be prescribed by order made by the Secretary of State.
- (5) The required proportion mentioned in subsection (1) above is three-quarters or such other proportion as may be—
- (a) prescribed for the purposes of this section by an order made by the Secretary of State; or
- (b) approved by him, in relation to a particular case or description of case, on application made by the local housing authority concerned.

Marginal Citations

M1 1954 c. 56.

106 Certificate as to future occupation, etc.

- (1) Subject to sections 126 and 136 below, a local housing authority may not entertain an application for a renovation grant or a disabled facilities grant unless it is accompanied by a certificate falling within one of subsections (2) to (5) below in respect of the dwelling, building or flat to which the application relates.

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- (2) A certificate under this subsection (an “owner-occupation certificate”) certifies—
- (a) that the applicant has, or proposes to acquire, an owner’s interest in the dwelling or building; and
 - (b) that he, or a member of his family, intends to live in the dwelling or, as the case may be, a flat in the building as his (or that member’s) only or main residence for a period of not less than twelve months beginning on the certified date.
- (3) A certificate under this subsection (a “tenant’s certificate”) certifies—
- (a) that the applicant is a tenant of the dwelling who falls within paragraph (a) or paragraph (b) of subsection (5) of section 104 above or that his application is a tenant’s application for a disabled facilities grant; and
 - (b) that he or a member of his family intends to live in the dwelling or, as the case may be, a flat in the building as his (or that member’s) only or main residence.
- (4) A certificate under this subsection (a “certificate of intended letting”) certifies that the applicant has or proposes to acquire an owner’s interest in the dwelling or building and intends to or already has let the dwelling or, as the case may be, one or more flats in the building as a residence—
- (a) to someone other than a member of his family; and
 - (b) for a period of not less than five years beginning on the certified date; and
 - (c) except where the application relates to a disabled facilities grant, on a tenancy which is not a long tenancy.
- (5) A certificate under this subsection (a “special certificate”) certifies that the applicant has, or proposes to acquire, an owner’s interest in the dwelling or building and is an applicant of a class prescribed for the purposes of this section.
- (6) A local housing authority may not entertain a tenant’s application unless—
- (a) it is also accompanied by a certificate of intended letting made by the person who at the time of the application is the landlord under the tenancy; or
 - (b) they consider it unreasonable in the circumstances to seek such a certificate.
- (7) A local housing authority may not entertain an application for an HMO grant unless it is accompanied by a certificate that the applicant has or proposes to acquire an owner’s interest in the house in question and intends—
- (a) to license the use of part of it as a residence as mentioned in paragraphs (a) to (c) of subsection (4) above, or
 - (b) to let part of it as a residence as mentioned in those paragraphs,
- or has already so licensed or let part of it.
- (8) A local housing authority may not entertain an application for a common parts grant unless it is accompanied by a certificate signed by the applicant or, as the case may be, by each of the applicants which—
- (a) specifies the interest of the applicant or, as the case may be, each of the applicants in the building or in each flat in the building; and
 - (b) certifies that the required proportion, within the meaning of section 105 above, of the flats in the building is occupied by occupying tenants.

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