



Housing Act 1964

1964 CHAPTER 56

PART V

Miscellaneous

95 Amendments of Clean Air Act 1956 relating to dwellings.

- (1) For the purposes of section 12(1) of the ^{M1}Clean Air Act 1956 (which provides for the making by local authorities of payments for adaptations of fireplaces in dwellings other than new dwellings) and of section 13(1)(b) and (c) of that Act (under which the Minister may contribute to expenses incurred by a local authority in carrying out adaptations of fireplaces in dwellings owned or controlled by them or, in the exercise of their default powers, in other dwellings, but not in any new dwellings) a new dwelling means a dwelling which either—

- (a) was erected after the time when this section comes into force, or
- (b) was produced by conversion, after that time, of other premises, with or without the addition of premises erected after that time,

and for the purposes of this subsection, a dwelling or premises shall not be treated as erected or converted after that time unless the erection or conversion was begun thereafter.

- (2) If, [^{F1}after a local authority has resolved to make an order]under section 11 of the said Act of 1956 declaring any area to be a smoke control area (not being an order varying a previous order so made) and before notice of its making is first published in accordance with Schedule 1 to that Act, the authority pass a resolution designating any class of heating appliance as being, in their opinion, unsuitable for installation in that area as tending, by reason of its consumption of fuel (of whatever kind) or its consumption thereof at the times when it is generally used, to impose undue strain on the fuel resources available for that area . . . ^{F2}, no payment shall be made by that authority under the said section 12(1) in respect of expenditure incurred in providing, or in executing works for the purpose of the installation of, any heating appliance of that class in or in connection with a dwelling within the area to which the order, . . .

Status: Point in time view as at 01/02/1991.

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F², relates; and accordingly all such expenditure shall be left out of account for the purposes of that subsection.

(2A) F³

(3) No payment shall be made under the said section 12(1) by a local authority in respect of expenditure incurred after the coming into force of this section in providing, or in executing works for the purpose of the installation of, any heating appliance which, when the expenditure was incurred, fell within any class of appliance for the time being designated for the purposes of this subsection by the Minister as being in his opinion—

- (a) unsuitable for installation in the area of that authority as tending, by reason aforesaid, to impose undue strain on the fuel resources available for that area, or
- (b) generally unsuitable for installation in England and Wales as tending, by reason aforesaid, to impose undue strain on the fuel resources available for England and Wales;

and accordingly all such expenditure shall be left out of account for the purposes of that subsection:

Provided that this subsection shall not apply to expenditure in respect of which the approval of the local authority was given for the purposes of the said section 12(1) at a time (including any time before the coming into force of this section) when the appliance in question did not fall within a class of appliance for the time being designated for the purposes of this subsection by the Minister as regards the area of that authority or generally.

(4) For the purposes of the said section 12(1), the approval of a local authority to the incurring of expenditure may, if the authority think fit in the circumstances of any particular case, be given after the expenditure has been incurred if—

- (a) the expenditure was incurred at a time after the coming into force of this section, and
- (b) in the case of expenditure incurred in providing, or in executing works for the purpose of the installation of, a heating appliance, the appliance did not at that time, and does not when the approval is given, fall within a class of appliance for the time being designated by the Minister for the purposes of subsection (3) above as regards the area of that authority or generally.

(5) At any time after an order made by a local authority under section 11 of the said Act of 1956 has been confirmed, that authority may, if they think fit in the circumstances of any particular case, give their approval, for the purposes of the said section 12(1), to the incurring of expenditure which was incurred after the making but before the confirmation of the order, being expenditure such that, if the order had been confirmed immediately before it was incurred, they would, at the time when the approval is given under this subsection, have had power to give it under the last foregoing subsection; and where the approval of a local authority is given under this subsection as regards any expenditure, the said section 12(1) shall apply in relation to that expenditure as if that expenditure had been incurred immediately after the confirmation of the order.

(6) In section 13(1)(a) of the said Act of 1956 (under which the Minister may contribute to expenses incurred by a local authority in making payments under the said section 12(1) which they are bound thereby to make) the words “which they are bound thereby to make” shall cease to have effect except for the purposes of the application of that paragraph to expenses incurred before the coming into force of this section.

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- (7) The amount of the contribution which, under section 13(1)(c) of the said Act of 1956, the Minister may make in respect of any expenses incurred by a local authority in carrying out (in the exercise of the default powers conferred by section 12(2) or 12(3) (c) of that Act) adaptations required by a notice under the said section 12(2) in or in connection with a dwelling which is not a new dwelling shall, in the case of expenses so incurred after the coming into force of this section, be equal to four-sevenths of the amount arrived at by deducting from the amount of those expenses that fraction thereof (whether three-tenths or some smaller fraction determined by the local authority, in the case of those expenses, in pursuance of the said section 12(2) or 12(3)(c)) which the local authority have power to recover from the occupier or owner by virtue of the said section 12(2) or 12(3)(c).
- (8) So much of section 13(2) of the said Act of 1956 as regulates the amount of a contribution made by the Minister under the said section 13(1)(c) shall not apply to any such contribution made in respect of expenses incurred after the coming into force of this section.
- (9) In section 14(1) of the said Act of 1956 (which specifies, by reference to a list of works, the kinds of adaptations of fire-places to which sections 12 and 13 of that Act apply) after paragraph (c) there shall be added the following paragraph—
“(cc) providing gas ignition, electric ignition or any other special means of ignition; or”;
and for the purposes of the said section 14(1) the provision of any igniting apparatus or appliance (whether fixed or not) operating by means of gas, electricity or any other special means shall be deemed to be the execution of works.
- (10) In the application of this section to Scotland—
- (a) for the references to the Minister there shall be substituted references to the Secretary of State, and
 - (b) in subsection (3), for the references to England and Wales there shall be substituted references to Scotland.

Textual Amendments

- F1** Words substituted by [Clean Air Act 1968 \(c. 62\), s. 10\(5\)](#)
- F2** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\), s. 194, Sch. 34 Pt. II](#)
- F3** [S. 95\(2A\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\), s. 194, Sch. 34 Pt II](#)

Modifications etc. (not altering text)

- C1** The text of s. 95(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** [1956 c. 52.](#)

Status: Point in time view as at 01/02/1991.

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Textual Amendments

F4 Pt. IV (ss. 64–91), ss. 96, 102, 103, 106, 108(1)(a)(5), Schs. 1–4 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I**

97

(1) **F5**

(2) **F6**

Textual Amendments

F5 S. 97(1) repealed, as respects payments for 1972–3 and subsequent years, by [Housing Finance Act 1972 \(c. 47\)](#), s. 108(4), **Sch. 11 Pt. III**

F6 S. 97(2) repealed by [Housing \(Financial Provisions\) \(Scotland\) Act 1968 \(c. 31\)](#), **Sch. 10**

98

..... **F7**

Textual Amendments

F7 S. 98 repealed, as respects payments for 1972–3 and subsequent years, by [Housing \(Financial Provisions\) \(Scotland\) Act 1972 \(c. 46\)](#), s. 79(3), **Sch. 11 Pt. III**

99

..... **F8**

Textual Amendments

F8 Ss. 99, 101(2) repealed by [Housing \(Financial Provisions\) \(Scotland\) Act 1968 \(c. 31\)](#), **Sch. 10**

100 Amendment of s. 10(1) of Scottish Act of 1957.

Section 10 of the Scottish Act of 1957 (which empowers a local authority to make a town development scheme for the carrying out of development in conjunction with any housing accommodation proposed to be provided in their district in pursuance of arrangements such as are mentioned in section 8(1) of that Act) shall empower a local authority to include in a town development scheme proposals for the carrying out of development in conjunction with any housing accommodation already provided in their district in pursuance of any such arrangements,

..... **F9**

Textual Amendments

F9 Words amend [Housing and Town Development \(Scotland\) Act 1957 \(c. 38\)](#), s. **10(1)**

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[^{F10}101 †Power to counties and large burghs in Scotland to contribute towards expense of housing elderly, infirm or handicapped persons.

(1) [^{F11}A regional or islands council]in Scotland may make any contribution they think fit towards expenditure incurred by a local authority in connection with—

- (a) the provision, maintenance and management, under the [^{F12M2}Housing (Scotland) Act 1966], of housing accommodation for elderly, infirm or handicapped persons; and
- (b) the exercise, in relation to housing accommodation so provided, or for the benefit of persons occupying such accommodation, of any of their functions under section [^{F12}139, 140 or 141].

(2)^{F13}]

Textual Amendments

F10 S. 101 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

F11 Words substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 12 para. 5**

F12 Words substituted by virtue of Housing (Scotland) Act 1966 (c. 49), **s. 212(5)**

F13 Pt. IV (ss. 64–91), ss. 96, 102, 103, 106, 108(1)(a)(5), Schs. 1–4 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

Modifications etc. (not altering text)

C2 Unreliable marginal note.

Marginal Citations

M2 1966 c. 49.

102,^{F14}
103.

Textual Amendments

F14 Pt. IV (ss. 64–91), ss. 96, 102, 103, 106, 108(1)(a)(5), Schs. 1–4 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

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