



Housing Act 1974

1974 CHAPTER 44

PART VII

FINANCIAL ASSISTANCE TOWARDS WORKS OF IMPROVEMENT, REPAIR AND CONVERSION

Contributions

78 Contributions by Secretary of State towards grants

- (1) The Secretary of State may make a contribution towards the expense incurred by a local authority in making a grant.
- (2) The contributions shall be a sum payable annually for a period of 20 years beginning with the financial year in which the works towards the cost of which the grant was made were completed, equal to the relevant percentage of the annual loan charges referable to the amount of the grant.
- (3) In subsection (2) above "the relevant percentage" means—
 - (a) in a case where, on the date on which the application for the grant concerned is approved, the premises to which the application relates are in a general improvement area or a housing action area, 90 per cent., and
 - (b) in any other case, 75 per cent.
- (4) The Secretary of State may by order made with the consent of the Treasury vary either or both of the percentages specified in subsection (3) above, and any such variation shall have effect with respect to applications for grants approved after such date as may be specified in the order.
- (5) An order under subsection (4) above—
 - (a) shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament; and
 - (b) shall not specify a date earlier than the date of the laying of the draft.
- (6) For the purposes of this section "the annual loan charges" referable to the amount of a grant means the annual sum which, in the opinion of the Secretary of State, would fall

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

to be provided by a housing authority for the payment of interest on, and the repayment of, a loan of that amount repayable over a period of 20 years.

- (7) In any case where, on the date on which the application for a grant is approved, the premises to which the application relates are in an area declared by the local authority concerned to be a housing action area and, after that date, the Secretary of State notifies the local authority that the area is no longer to be such an area, or that land on which the premises are situated is to be excluded from the area, he may, without prejudice to his discretion under subsection (1) above not to make a contribution under this section, make such a contribution on the basis that the relevant percentage is 75 per cent.

79 Payment of improvement contributions to housing authorities

- (1) The Secretary of State may pay contributions (in this section referred to as "improvement contributions") to housing authorities towards the expenses incurred by them in—
- (a) the provision of dwellings by the conversion of houses or other buildings, or
 - (b) the improvement of dwellings,
- in such circumstances as appear to him to be sufficiently similar to those in which an improvement grant might be paid by a local authority had the provision or improvement been by a person other than a housing authority.
- (2) The Secretary of State may pay an improvement contribution with respect to any dwellings if an application therefor containing such estimates and particulars as he may require is made by a housing authority and approved by him.
- (3) Where the Secretary of State approves an application for an improvement contribution, he shall determine the amount of the expenses which, in his opinion, are proper to be incurred by the housing authority for the execution of any works required for the provision or improvement of the dwellings.
- (4) The eligible expense for the purposes of an improvement contribution shall be so much of the amount determined under subsection (3) above as does not exceed the amount arrived at by taking, for each dwelling provided or improved, £2,000.
- (5) The improvement contribution shall be a sum payable annually for a period of 20 years, beginning with the financial year in which the works required for the provision or improvement of the dwellings are completed, equal to 37.5 per cent. of the annual loan charges referable to the eligible expense.
- (6) Subsection (6) of section 78 above shall apply for the purposes of this section as it applies for the purposes of that.

80 Statement of reasons for refusing application for grant or fixing grant at less than the maximum

If a local authority—

- (a) do not approve an application for a grant, or
- (b) fix the amount of an improvement grant, a special grant or a repairs grant at less than the appropriate percentage of the eligible expense within the meaning of section 64, section 70 or, as the case may be, section 72 above,

they shall state to the applicant in writing their reasons for doing so.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

81 Grants restricted to applicant and his personal representatives

- (1) In relation to a grant or an application therefor, any reference in the preceding provisions of this Part of this Act and in subsection (2) below to the applicant shall be construed, in relation to any time after his death, as a reference to his personal representatives.
- (2) If, before the certified date, an applicant for a grant ceases to have such an interest as is referred to in section 57(3) above,—
 - (a) no grant shall be paid or, if any instalment of the grant was paid before the applicant ceased to have such an interest, no further instalments shall be paid; and
 - (b) any instalment of the grant which has been paid to the applicant shall, on being demanded by the local authority who approved the application for the grant, forthwith become repayable to them by the applicant together with interest thereon from the date on which it was paid until repayment at the rate for the time being fixed by subsection (2) of section 171 of the Local Government Act 1972 for the purposes of the enactments specified in subsection (1) of that section.

82 Payment of grants

- (1) In approving an application for a grant a local authority may require as a condition of paying the grant that the relevant works are carried out within such time, not being less than 12 months, as the authority may specify or such further time as they may allow.
- (2) Where a local authority are satisfied under section 63(3), section 68(2), section 70(3) or section 72(2) above that the relevant works cannot be or could not have been carried out without the carrying out of additional works, they may, without prejudice to subsection (1) above, allow further time as the time within which the relevant works and the additional works are to be carried out.
- (3) A grant may be paid after the completion of the works towards the cost of which it is payable or part of it may be paid in instalments as the works progress and the balance after the completion of the works.
- (4) Where a grant is paid in instalments the aggregate of the instalments paid shall not at any time before the completion of the works exceed one half of the aggregate cost of the works executed up to that time.
- (5) The payment of a grant or of any part thereof shall be conditional upon the works or the corresponding part of the works being executed to the satisfaction of the local authority.
- (6) If an instalment of a grant is paid before the completion of the works and the works are not completed within the time specified in subsection (7) below, that instalment and any further sums paid by the local authority as part of the grant shall, on being demanded by the authority, forthwith become repayable to them by the person who made the application for the grant or his personal representatives and shall carry interest from the date on which it was paid until repayment at the rate for the time being fixed by subsection (2) of section 171 of the Local Government Act 1972 for the purposes of the enactments specified in subsection (1) of that section.
- (7) Where the local authority have specified no time under subsection (1) above for the completion of the works, the time referred to in subsection (6) above is 12 months from

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

the date on which the instalment is paid or such further time as the authority may allow; and where they have specified a time under subsection (1) above or allowed further time under that subsection or subsection (2) above the time referred to in subsection (6) above is the time so specified or allowed.

83 Special provisions as to parsonages, etc.

- (1) Sections 57(3), 60, 73 and 74 above shall not apply in relation to—
- (a) an application for a grant in respect of glebe land or the residence house of an ecclesiastical benefice made, during a period when the benefice is vacant, by a sequestrator of the profits thereof; or
 - (b) an application for a grant made by a charity or on behalf of a charity by the charity trustees thereof.
- (2) Section 57(3) above shall not apply in relation to land which is proposed to be sold or leased under section 105(2) of the Housing Act 1957 (power to dispose of land for the purpose of carrying out works in connection with work on an adjoining house) to the applicant for a grant.

84 Interpretation of Part VII

In this Part of this Act—

" agricultural population " means—

- (a) persons whose employment or latest employment is or was employment in agriculture or in an industry mainly dependent on agriculture, and
- (b) the dependants of such persons, and for this purpose "agriculture" includes dairy-farming and poultry-farming and the use of land as grazing, meadow or pasture land, or orchard or osier land or woodland, or for market gardens or nursery grounds;

" appropriate percentage " has the meaning assigned to it by section 59 above ;

" certificate of owner-occupation " and " certificate of availability for letting " have the meanings assigned to them by section 60 above ;

" certified date " has the meaning assigned to it by section 75(6) above;

" charity " and " charity trustees " have the same meanings as in the Charities Act 1960 ;

" grant " means a grant of a description specified in section 56(2) above;

" housing authority " means a local authority, the council of a county, the Greater London Council, the Commission for the New Towns or a redevelopment corporation within the meaning of the New Towns Act 1965 ;

" improvement " includes alteration and enlargement, and any reference to works required for the provision or improvement of a dwelling (whether generally or in any particular respect) includes a reference to any works of repair or replacement needed (in the opinion of the person paying any grant or contribution) for the purpose of enabling the dwelling to which the improvement relates to attain the relevant standard;

" let " includes " sub-let " ;

" local authority ",—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) in relation to premises in a general improvement area or a housing action area, means the council by whom the area was declared to be such an area; and
 - (b) in relation to any other premises, means the council of a district or London borough or the Common Council of the City of London;
- " owner ", in relation to a dwelling, means the person who—
- (a) is for the time being entitled to receive from a lessee of the dwelling, or would be so entitled if the dwelling were let, a rent of not less than two-thirds of the net annual value of the dwelling; and
 - (b) is himself not liable, as a lessee of, or of any property which includes, the dwelling, to pay to a superior landlord a rent of not less than two-thirds of the net annual value of the property of which he is such a lessee;
- " prescribed " means prescribed by order made by the Secretary of State;
- " the relevant standard " means—
- (a) in relation to an improvement grant, the required standard referred to in section 61 above;
 - (b) in relation to an intermediate grant, the full standard or, as the case may require, the reduced standard referred to in section 66 above; and
 - (c) in relation to a repairs grant, the relevant standard of repair referred to in section 71 above ;
- " the relevant works " has the meaning assigned to it by section 57(2)(b) above ;
- " standard amenities " has the meaning assigned to it by section 58 above.