



# House Purchase and Housing Act 1959

## 1959 CHAPTER 33

### PART II

#### ASSISTANCE FOR IMPROVEMENT OF DWELLINGS IN ENGLAND AND WALES

##### *Grants by local authorities for provision of standard amenities*

#### **4 Duty of local authorities to make grants towards certain improvements**

(1) Subject to subsection (6) of this section, a local authority shall give assistance in respect of the improvement of any dwelling by any person other than a local authority or county council by such works as may be required for the dwelling to be provided, for the exclusive use of its occupants, with the standard amenities, that is to say, subject to subsection (2) of this section, all of the following:—

- (a) a fixed bath or shower in a bathroom;
- (b) a wash-hand basin ;
- (c) a hot water supply;
- (d) a water closet in or contiguous to the dwelling ; and
- (e) satisfactory facilities for storing food ;

by way of making a grant (in this Part of this Act referred to as a " standard grant") in respect of the cost of executing the works, if an application in that behalf is made by that person to the local authority and approved by them before the works are begun and the works are executed to the satisfaction of the authority.

- (2) The Minister may by order vary the class of amenities which are the standard amenities for the purposes of this Part of this Act.
- (3) An application under this section must specify the dwelling and the works proposed to be carried out and, where those works comprise the provision of part only of the standard amenities, must contain a statement that the dwelling is already provided with the remainder.

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- (4) An application under this section must also contain a statement either that the applicant is the occupier of the dwelling or that the occupier has consented in writing to the making of the application.
- (5) Where the works include the provision of a hot water supply, their execution must include the connection of the supply to a sink as well as to the bath or shower and the wash-hand basin.
- (6) An application under this section shall not be entertained if it relates to a dwelling provided after the end of the year nineteen hundred and forty-four, unless the dwelling was provided by the conversion before the end of the year nineteen hundred and fifty-eight of a building erected before the end of the year nineteen hundred and forty-four.

## **5 Approval of applications for standard grant**

- (1) A local authority shall approve an application for a standard grant if they are satisfied of the matters mentioned in subsections (2) and (3) of this section, and shall not approve it if not so satisfied.
- (2) The local authority must be satisfied that after the execution of the works specified in the application the dwelling will be in such condition as not to be unfit for human habitation, and that it is likely to remain in that condition and available for use as a dwelling for a period of not less than fifteen years.
- (3) The local authority must also be satisfied that the applicant has, in every parcel of land on which the works are to be carried out (other than land proposed to be sold or leased to him under subsection (2) of section one hundred and five of the Housing Act, 1957 (which authorises a local authority to dispose of land for the purpose of carrying out works in connection with work on an adjoining house)), an interest constituting either an estate in fee simple absolute in possession or a term of years absolute of which not less than fifteen years remain unexpired at the date of the application.
- (4) Where the local authority do not approve an application for a standard grant they shall, if the applicant so requests, state to him in writing of which of the matters mentioned in subsections (2) and (3) of this section they are not satisfied and their reasons for not being satisfied thereof.

## **6 Amount of standard grant**

- (1) The amount of a standard grant shall, subject to subsection (2) of this section, be one-half of the cost shown to have been incurred in executing the works in respect of which it is made.
- (2) The amount of a standard grant shall not exceed one hundred and fifty-five pounds if at the time the works were begun the dwelling was provided with none of the standard amenities and, in any other case, shall not exceed that amount reduced by the following amounts respectively for each of those amenities with which the dwelling was then provided, that is to say—
  - (a) by twenty-five pounds for the amenity mentioned in paragraph (a),
  - (b) by five pounds for that mentioned in paragraph (b),
  - (c) by seventy-five pounds for that mentioned in paragraph (c),
  - (d) by forty pounds for that mentioned in paragraph (d),
  - (e) by ten pounds for that mentioned in paragraph (e),

of subsection (1) of section four of this Act.

- (3) The reduction required by subsection (2) of this section in respect of any of the standard amenities shall not be made if part of the cost incurred in executing the works was attributable to interference with or replacement of that amenity and the local authority are satisfied that it would not have been reasonably practicable to avoid the interference or replacement.
- (4) The Minister may by order vary the amounts specified in subsection (2) of this section, and an order made by the Minister under section four of this Act varying the amenities which are the standard amenities for the purposes of this Part of this Act may specify the reductions to be made under subsection (2) of this section in respect of those amenities respectively.

## **7 Application of provisions of Part II of Act of 1958 as to Exchequer contributions, conditions, etc.**

- (1) The provisions of sections thirty-three to forty-one of and the Fourth Schedule to the Act of 1958 (which provide for Exchequer contributions towards improvement grants, the observance and enforcement of conditions in connection with such grants, and certain other matters relating to such grants) shall, with the necessary modifications, and, in particular, subject to the following provisions of this section, apply in relation to standard grants as they apply in relation to improvement grants ; and section forty-two of that Act (which relates to the interpretation of those provisions) shall apply accordingly.
- (2) In relation to standard grants—
  - (a) section thirty-seven of the Act of 1958 (which excludes the application of subsection (3) of section thirty-one of that Act in relation to certain ecclesiastical and other property) shall have effect as if for the reference to that subsection there were substituted a reference to subsection (3) of section five of this Act; and
  - (b) section thirty-eight and section thirty-nine of that Act shall each apply with the omission of subsection (1) (which relates only to assistance in respect of the provision of dwellings).

## **8 Effect of standard grant on application for and limit of improvement grant**

- (1) Where, at any time within three years after the making of a standard grant in respect of any dwelling, an application for an improvement grant is made in respect of that dwelling and the application contains a statement of the cost incurred in executing the works in respect of which the standard grant was made, subsection (3) of section thirty of the Act of 1958 (which prevents such an application from being entertained unless the estimated amount of the relevant expenses is not less than one hundred pounds or such other amount as may be prescribed) shall have effect, in relation to that application (or, if the dwelling is not the only one to which the application relates, in relation to the application so far as it relates to the dwelling), as if the amount specified in or prescribed under that subsection were reduced by the cost incurred as aforesaid.
- (2) Where after the making of a standard grant in respect of a dwelling an improvement grant is made in respect of that dwelling, subsection (1) of section thirty-two of the Act of 1958 (which limits the amount of an improvement grant) shall have effect, in

relation to that dwelling, as if the sum specified in or prescribed under paragraph (b) of that subsection were reduced by the amount of the standard grant.

*Amendment of provisions relating to improvement grants*

**9 Statement of reasons for refusal to make improvement grant or to pay maximum amount**

Where a local authority refuse an application under section thirty of the Act of 1958 (which authorises the making of improvement grants) or, in approving such an application, fix the amount of the grant at less than the maximum authorised by paragraphs (a) and (b) of subsection (1) of section thirty-two of that Act, they shall, if the applicant so requests, give him a written statement of their reasons for doing so.

**10 Duration of leasehold interest of applicant for improvement grant**

In subsection (3) of section thirty-one of the Act of 1958 (which prevents the making of improvement grants in cases where the applicant's interest in the land concerned is a leasehold interest for an unexpired term of less than thirty years or any shorter period for which the dwellings concerned will provide satisfactory housing accommodation) there shall be substituted, for all the words after " less than " , the words " fifteen years ".

**11 Conditions to be observed with respect to dwellings**

- (1) In subsection (1) of section thirty-three of the Act of 1958 (which requires, in the case of dwellings in respect of which assistance has been given under Part II of that Act, the observance of certain conditions for the period specified in subsection (2) of that section, that is to say, for twenty years or, in certain cases, a shorter period) there shall be substituted, for the words " the period specified in subsection (2) of this section " , the words " the period of ten years beginning with the day on which the dwelling first becomes fit for occupation after the completion of the improvement works ".
- (2) In subsection (1) of section thirty-five of that Act (which provides for the release from any such conditions as aforesaid on payment, with the agreement of the local authority, of a sum equal to the appropriate proportion of the amounts received under the said Part II together with compound interest thereon) the words " if the local authority so agree " shall be omitted.
- (3) In paragraph 3 of the Fourth Schedule to that Act (which requires the dwelling to be let or kept available for letting when it is not occupied by a person of a class defined in sub-paragraphs (a) to (c) of that paragraph) the following sub-paragraph shall be inserted after sub-paragraph (b) (which allows occupation by a person who has become entitled to an interest in the dwelling on the death of the applicant):—
  - “(bb) by a person who, after the expiration of three years from the beginning of the period during which the conditions set out in this Schedule are to be observed, has become beneficially entitled to, or to an interest in, the interest of the applicant in the dwelling or the proceeds of sale thereof, or by a member of the family of such a person, or”
 and the said sub-paragraph (b) shall be amended by inserting, before the word " or " ; at the end thereof, the words " or by a member of the family of such a person " .

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- (4) Paragraph 4 of the said Fourth Schedule (which imposes a limit on the rent at which the dwelling may be let when not occupied as mentioned in the said paragraph 3) shall have effect subject to the provisions of section twelve of this Act.
- (5) The proper officer of the local authority shall record in the register of local land charges any change effected by subsection (1) or subsection (3) of this section in any conditions registered in that register.

## **12 Rent of dwelling improved with assistance of local authority**

- (1) Where, after the commencement of this Act, an application is made to a local authority for an improvement grant or a standard grant in respect of the provision of a dwelling or in respect of the improvement of a dwelling which is not subject to a controlled tenancy, the application may contain a request to fix for the purposes of paragraph 4 of the Fourth Schedule to the Act of 1958 a rent higher than the limit imposed by section twenty of the Rent Act, 1957; and if it appears to the local authority reasonable to do so, having regard to all the circumstances and, in particular, to the rents payable for similar dwellings in their area with respect to which no limit or condition is imposed by the Rent Act, 1957, or the Act of 1958, they may, on approving the application, fix such higher rent for those purposes as they think reasonable.
- (2) Subject to the following provisions of this section, a rent so fixed shall be substituted in the condition set out in the said paragraph 4 for the limit imposed by the said section twenty, and subsection (3) of that section shall not apply to any tenancy of the dwelling.
- (3) A rent so fixed shall be fixed as for a letting under which the lessee will be responsible for internal decorative repairs (but no others) and no services or furniture (except such as may be specified in the application) will be provided for him; and where the dwelling is let or kept available for letting on other terms, the rent so fixed shall be deemed to be increased or reduced (according as the terms are more favourable or less favourable to the lessee) by such amount as may, subject to subsection (4) of this section, be agreed between the lessor and the local authority or as may in default of agreement be determined by the county court.
- (4) So far as any such increase or reduction is attributable to a variation of the terms as to repairs.—
  - (a) the increase shall not be more than one-sixth if the lessor is to be responsible for internal decorative repairs, and shall be less than one-sixth in any other case; and
  - (b) the reduction shall not be more than one-third if the lessee is to be responsible for all repairs, and shall be less than one-third in any other case.
- (5) Where the application is made in respect of the provision of a dwelling by the conversion of any premises, the local authority, before determining whether to fix a rent under this section, shall obtain from the valuation officer an estimate of the relevant change in the valuation list which is likely to result from the conversion ; and if they approve the application and fix a rent, but in consequence of the change in fact resulting from the conversion the rent so fixed is less than the limit imposed by the said section twenty, subsections (2) to (4) of this section shall cease to apply to the dwelling.

*Contributions to local authorities for provision of standard amenities*

**13 Contributions to local authorities in respect of standard amenities provided by them**

- (1) Subject to subsection (5) of this section, the Minister shall make a contribution to a local authority in respect of the improvement by them of any dwelling by such works as may be required for the dwelling to be provided, for the exclusive use of its occupants, with the standard amenities, if an application in that behalf is made to him by the local authority and approved by him before the works are begun and the works are executed to his satisfaction.
- (2) An application under this section must specify the dwelling and the works proposed to be carried out and, where those works comprise the provision of part only of the standard amenities, must contain a statement that the dwelling is already provided with the remainder.
- (3) The Minister shall approve an application for a contribution under this section if he is satisfied that after the execution of the works specified in the application the dwelling will be in such condition as not to be unfit for human habitation and that it is likely to remain in that condition and available for use as a dwelling for a period of not less than fifteen years ; and he shall not approve the application if he is not so satisfied.
- (4) The following authorities in England and Wales shall be local authorities for the purposes of this section, that is to say, the councils of counties, county boroughs, county districts and metropolitan boroughs, and the Common Council of the City of London.
- (5) An application under this section shall not be entertained if it relates to a dwelling provided after the end of the year nineteen hundred and forty-four, unless the dwelling was provided by the conversion before the end of the year nineteen hundred and fifty-eight of a building erected before the end of the year nineteen hundred and forty-four.

**14 Amount of contribution under s. 13**

- (1) A contribution under section thirteen of this Act shall be a sum payable annually for the twenty financial years beginning with the year in which the works in respect of which it is made are completed, equal to three-eighths of the annual loan charges referable to the amount specified in the following provisions of this section.
- (2) The said amount shall, subject to subsection (3) of this section, be the cost shown to have been incurred in executing the works in respect of which the contribution is made.
- (3) The said amount shall not exceed three hundred and ten pounds if at the time the works were begun the dwelling was provided with none of the standard amenities and, in any other case, shall not exceed that amount reduced by the following amounts respectively for each of those amenities with which the dwelling was then provided, that is to say—
  - (a) by fifty pounds for the amenity mentioned in paragraph (a),
  - (b) by ten pounds for that mentioned in paragraph (b),
  - (c) by one hundred and fifty pounds for that mentioned in paragraph (c),
  - (d) by eighty pounds for that mentioned in paragraph (d),
  - (e) by twenty pounds for that mentioned in paragraph (e),of subsection (1) of section four of this Act.

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- (4) The reduction required by subsection (3) of this section in respect of any of the standard amenities shall not be made if part of the cost incurred in executing the works was attributable to interference with or replacement of that amenity and the Minister is satisfied that it would not have been reasonably practicable to avoid the interference or replacement.
- (5) The Minister may by order vary the amounts specified in subsection (3) of this section, and an order made by the Minister under section four of this Act varying the amenities which are the standard amenities for the purposes of this Part of this Act may specify the reductions to be made under subsection (3) of this section in respect of those amenities respectively.
- (6) The Minister may by order reduce, as respects applications approved after such date as may be specified in the order, the proportion of the said annual loan charges, but not below one-third.

*Contributions to local authorities under ss. 9 & 12 of Act of 1958*

**15 Nature and amount of Exchequer contribution under Act of 1958 for dwellings converted or improved by local authorities**

- (1) A contribution to a local authority under section nine of the Act of 1958 (which authorises the Minister to make contributions towards the annual loss likely to be incurred by a local authority in carrying out approved proposals for the conversion or improvement of houses) shall, instead of being such a contribution as is mentioned in that section, be a contribution towards the cost of the works of conversion or improvement required for carrying out the proposals; and the following provisions of this section shall have effect with respect to such a contribution.
- (2) The contribution shall be a sum payable annually for the twenty financial years beginning with the year in which the said works are completed, equal to three-eighths of the annual loan charges referable to an amount determined in accordance with subsections (3) and (4) of this section.
- (3) The said amount shall be determined by the Minister when approving the proposals, and shall, subject to subsection (4) of this section, be the amount appearing to him to be the cost likely to be incurred by the local authority in carrying out the works.
- (4) The amount so determined shall not exceed eight hundred pounds, or such other amount as may be specified by order of the Minister, for each dwelling provided or improved by the works, unless the Minister is satisfied in any particular case that in all the circumstances of the case there is good reason for determining a higher amount.
- (5) The Minister may by order reduce, as respects proposals approved after such date as may be specified in the order, the proportion of the said annual loan charges, but not below one-third.
- (6) A local authority submitting to the Minister such proposals as are mentioned in the said section nine shall furnish to him such estimates and such particulars as he may require for the purposes of this section.

**16 Local authorities for purposes of s. 9 of Act of 1958**

For subsections (4) and (5) of section nine of the Act of 1958 (which specify the local authorities for the purposes of that section) there shall be substituted the following—

“(4) The following shall be local authorities for the purposes of this section, that is to say, the councils of counties, county boroughs, county districts and metropolitan boroughs, and the Common Council of the City of London.”

**17 Effect of contribution under s. 13 on contribution under s. 9 of Act of 1958**

Where proposals for the improvement of a dwelling are approved under section nine of the Act of 1958 after the approval of an application in respect of that dwelling under section thirteen of this Act, subsection (4) of section fifteen of this Act shall have effect, in relation to the dwelling, as if the amount specified in that subsection or an order made thereunder were reduced by the amount on which the contribution under section thirteen of this Act is based, that is to say, the amount to which the loan charges are referable by reference to which the said contribution is determined under section fourteen of this Act.

**18 Contribution for dwellings improved under arrangements with local authorities**

- (1) The sum payable annually by the Minister under section twelve of the Act of 1958 (which provides for the payment of a contribution by the Minister to a local authority who have made arrangements with a housing association or development corporation for the conversion or improvement of houses, and for the payment of grants by the local authority to the association or corporation of amounts not less than the contribution) shall be equal to three-eighths of the annual loan charges referable to an amount determined by the local authority with the approval of the Minister in accordance with subsections (2) and (3) of this section.
- (2) The said amount shall, subject to subsection (3) of this section, be the amount appearing to the local authority and the Minister to be the cost likely to be incurred by the association or corporation for the purpose of the execution of any works of conversion or improvement required for carrying out the arrangements.
- (3) The amount so determined shall not exceed eight hundred pounds, or such other amount as may be specified by order of the Minister, for each dwelling provided or improved by the works, unless the local authority and the Minister are satisfied in any particular case that in all the circumstances of the case there is good reason for determining a higher amount.
- (4) The Minister may by order reduce, as respects arrangements made after such date as may be specified in the order, the proportion of the said annual loan charges, but not below one-third.