

1980 No. 1735

HOUSING, ENGLAND AND WALES
**The Grants by Local Authorities (Appropriate Percentage
and Exchequer Contributions) Order 1980**

Laid before the House of Commons in draft

Made - - - - 13th November 1980

Coming into Operation 15th December 1980

The Secretary of State for the Environment and the Secretary of State for Wales, in exercise of the powers conferred on them by sections 59(a), 78(4) and (5) and 128(1) and (1A)(b) of the Housing Act 1974(c), and of all other powers enabling them in that behalf, and with the consent of the Treasury, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Grants by Local Authorities (Appropriate Percentage and Exchequer Contributions) Order 1980, and shall come into operation on 15th December 1980.

Appropriate percentage for determining the amount or the maximum amount of grant

2. The appropriate percentage in relation to an application for a grant approved after 14th December 1980 shall be the percentage applicable to that application in accordance with the following provisions of this order.

3.—(1) Subject to article 6, the appropriate percentage in relation to an application for a grant to which paragraph (2) or (3) applies is 75 per cent.

(2) This paragraph applies to an application for a grant where one or more of the following conditions is satisfied:—

- (a) on the date on which the application is approved the premises in respect of which it is made are in a housing action area;
- (b) the application is in respect of a dwelling or a house in multiple occupation which is, or which forms part of, or which in the case of a dwelling is to be provided by the conversion of, a house in relation to which the local authority have served a notice under section 9(1) or 16 of the Housing Act 1957(d) and the relevant works consist of or include works which if executed would contribute towards rendering the house fit for human habitation;

(a) Substituted by section 107 of, and paragraph 4 of Schedule 12 to, the Housing Act 1980 (c. 51).

(b) Inserted by section 152 of, and paragraph 30 of Schedule 25 to, the Housing Act 1980.

(c) 1974 c. 44.

(d) 1957 c. 56.

- (c) (i) the dwelling to which the application relates lacks, or is to be provided by the conversion of a dwelling which lacks, one or more of the standard amenities, and
 - (ii) the relevant works consist of or include the provision of a standard amenity which is lacking, and
 - (iii) the local authority are satisfied that the standard amenity which is to be provided, or, where more than one such amenity is to be provided, each of them, has been lacking for a period of not less than 12 months ending on the date on which the application was made;
 - (d) the application is in respect of a dwelling which is or is to be provided by the conversion of a dwelling which is in need of works of repair of a substantial and structural character, and the relevant works consist of or include such works.
- (3) This paragraph applies to an application for a special grant where either of the following conditions is satisfied:—
- (a) the relevant works consist of or include the provision of any of the standard amenities and the local authority consider such provision is necessary to make the house in multiple occupation reasonably suitable for occupation by the number of individuals or households for the time being occupying it;
 - (b) the house is not provided with such means of escape from fire as the local authority consider necessary and the relevant works consist of or include the provision of such means of escape.

4. In relation to an application for a grant to which article 3 does not apply but where on the date on which the application is approved, the premises in respect of which the application is made are in a general improvement area, the appropriate percentage is 65 per cent.

5. Subject to article 6, in relation to an application for a grant to which neither article 3 nor 4 applies, the appropriate percentage is 50 per cent.

6. In relation to an application for a grant, where it appears to the local authority that the applicant would not without undue hardship be able to finance so much of the cost of the relevant works as is not met by the grant,—

- (a) if apart from this article the appropriate percentage would be 75 per cent, it shall instead be 90 per cent.; and
- (b) if apart from this article the appropriate percentage would be 50 per cent, it shall instead be 65 per cent.

Contributions by the Secretary of State

7. With respect to applications for grants approved after 14th December 1980 the percentages specified in subsection (3) of section 78 of the Housing Act 1974 are varied in the following descriptions of cases:—

- (a) in paragraph (a), by the substitution of 75 per cent. where the premises are in a general improvement area;
- (b) in paragraph (b), by the substitution of 90 per cent. in respect of cases in which in accordance with this order the appropriate percentage is 75 per cent. or 90 per cent.

Signed by authority of
the Secretary of State.
10th November 1980.

Geoffrey Finsberg,
Parliamentary Under Secretary of State,
Department of the Environment.

12th November 1980.

Nicholas Edwards,
Secretary of State for Wales.

We consent,

13th November 1980.

Carol Mather,
David Waddington,
Two of the Lords Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The amount of a grant for the improvement or repair of a dwelling or house in multiple occupation under Part VII of the Housing Act 1974 (as amended principally by section 107 of and Schedule 12 to the Housing Act 1980) is determined inter alia by the "appropriate percentage" of the cost of the works to be carried out. Section 59 of the 1974 Act provides for this percentage to be ascertained from orders made by the Secretary of State.

Articles 2 to 6 of this Order accordingly prescribe the percentage which is to be the appropriate percentage in relation to grants approved on or after 15th December 1980. The percentage is to be different in different descriptions of cases, according to the condition of the premises to which the application relates, whether they are situated in a housing action area or general improvement area, and in certain cases whether the applicant is able without undue hardship to finance so much of the cost of the works as is not met by the grant.

Article 7 of the order specifies the percentages of grants which may be contributed by the Secretary of State. The effect of the order, taken together with section 78 of the Housing Act 1974, is to set at 90 per cent. the percentage of expenses of a local authority in making a grant approved on or after 15th December 1980 which may be contributed by the Secretary of State where the appropriate percentage is 75 per cent. or 90 per cent., and 75 per cent. in all other cases.

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