



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 6

#### GRANTS FOR IMPROVEMENT, REPAIRS ETC.

##### *Improvement grants*

#### **96 Extension of power to make improvement grants**

- (1) In section 236 (power of local authorities to make improvement grants) of the 1987 Act, in subsection (2)—
  - (a) the word “and” at the end of sub-paragraph (i) of paragraph (a) is repealed,
  - (b) after that sub-paragraph insert—
    - “(ia) replacement of unsafe electrical wiring,
    - (ib) installation of mains-powered smoke detectors,
    - (ic) provision of adequate heating systems,
    - (id) provision of adequate thermal insulation,”
  - (c) after sub-paragraph (ii) of paragraph (a) insert—
    - “(iii) in relation to a building in common ownership, the matters specified in subsection (2A);”.
- (2) After subsection (2) of that section insert—
  - “(2A) The matters referred to in subsection (2)(a)(iii) are the installation of—
    - (a) a fire-retardant door at the entrance to each house,
    - (b) a main door entry-phone system.”
- (3) In subsection (3) of that section, in the definition of “disabled person”, for the words from “means” to the end substitute “has the same meaning as in the Disability Discrimination Act 1995 (c. 50)”.
- (4) After that section insert—

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**“236A Power to make improvement grants: further provision**

- (1) A tenant is not eligible for an improvement grant unless the works in respect of which the grant is sought have, for the period of 2 years preceding the tenant’s application, been his responsibility under his lease.
- (2) Subsection (1) does not apply if the works are—
  - (a) for the purpose mentioned in section 236(2)(a)(ii), or
  - (b) required for the health and safety of the occupants of the house.
- (3) The Scottish Ministers may by order modify subsections (2)(a) and (2A) of section 236, either generally or in relation to particular cases or areas.
- (4) No such order shall be made unless a draft of the order has been laid before, and approved by resolution of, the Scottish Parliament.”

**97 Application for grant**

- (1) Section 237 (form of application for improvement grant) of the 1987 Act is amended as follows—
    - (a) at the beginning insert “(1)”,
    - (b) at the end of paragraph (b), the word “and” is repealed,
    - (c) after paragraph (c) insert “, and
      - (d) such other matters, including information on the matters mentioned in section 240A(2)(a), as may be prescribed.
  - (2) Different forms and different information may be prescribed under subsection (1) for different purposes.
  - (3) A local authority may require an applicant to provide, within such reasonable period as they may specify, such information as they consider necessary to satisfy themselves that the information in the application form is accurate.
  - (4) The local authority shall disregard any application from an applicant who fails to comply with such a requirement.”
- (2) After that section insert—

**“237A Offences in relation to applications for improvement grant**

- (1) A person who—
  - (a) knowingly or recklessly makes a statement—
    - (i) in an application for an improvement grant,
    - (ii) in response to a requirement made under section 237(3),
 which is false in a material particular,
  - (b) fails, without reasonable excuse, to notify the local authority of any change of circumstances material to that person’s case, or
  - (c) fails, without reasonable excuse, to comply with a requirement made under section 237(3),
 shall be guilty of an offence.

- (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

**98 Age of buildings eligible for grant**

In section 240(2)(b) (conditions for approval of applications for improvement grants) of the 1987 Act, for “after 15 June 1964” substitute “less than 10 years prior to the date of the making of the application”.

**99 Applicant’s contribution to expense of works**

After section 240 of the 1987 Act insert—

**“240A Assessment of applicant’s contribution**

- (1) The Scottish Ministers may by regulations make provision for the assessment, in relation to such classes of application for an improvement grant as the regulations may specify, of an amount to be treated, for the purposes of section 242(1)(b), as the applicant’s contribution towards the approved expense.
- (2) Regulations under subsection (1) may provide for assessment to be by reference to—
- (a) the income and other financial circumstances of the applicant, the applicant’s spouse, any person who lives or intends to live with the applicant and any person on whom the applicant is dependent or who is dependent on the applicant,
  - (b) such other criteria as the Scottish Ministers think fit,
- and may make different provision for different cases or descriptions of case.
- (3) Regulations under subsection (1) shall be made by statutory instrument and shall not be made unless a draft has been laid before, and approved by resolution of, the Scottish Parliament.
- (4) In this Part—
- “the applicant’s contribution” means an amount assessed under subsection (1),
  - “approved expense” means, in relation to works referred to in an application, the amount of the expense of executing those works (as estimated in the application) approved by the local authority as being attributable to each house proposed to be provided or improved.

**240B Applicant’s contribution: review**

- (1) Where an applicant for an improvement grant requests a review of an assessment of the applicant’s contribution, the local authority to which the application was made shall review the assessment.
- (2) A request for a review shall be made before the end of the period of 21 days beginning with the day on which the notice under section 241(1) was given or such longer period as the authority may allow.

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- (3) A review under subsection (1) shall be carried out by a person senior to the person who made the assessment being reviewed and who had no involvement in the making of that assessment.
- (4) The authority shall notify the applicant of the decision reached on review.
- (5) Notice required to be given to the applicant under subsection (4) shall be given in writing and shall, if not received by him, be treated as having been given only if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.
- (6) There is no right to request a review of a decision reached on review."

### **100 Approval of application**

- (1) Section 241 (approval of application of improvement grant) of the 1987 Act is amended as follows.
- (2) In subsection (1), for the words from "the amount" in the first place where they occur to the end substitute—
  - “(a) the approved expense,
  - (b) the applicant's contribution (where it has been assessed under section 240A),
  - (c) the amount of the grant (and, where the grant is a minimum percentage grant, a statement of that fact).”
- (3) In subsection (3), for paragraph (b) substitute—
  - “(b) approve an application but fix as the approved expense in respect of any house an amount less than the amount of the expense estimated in the application in respect of that house (unless the approved expense is the maximum amount which may be fixed under section 242).”

### **101 Amount of grant**

- (1) Section 242 (amount of improvement grant) of the 1987 Act is amended as follows.
- (2) For subsection (1), substitute—
  - “(1) Subject to the following provisions of this section—
    - (a) the approved expense shall not exceed £20,000, or such other amount as may be prescribed, in respect of each house to which the application relates,
    - (b) the amount of improvement grant payable shall be—
      - (i) the approved expense under deduction (where applicable) of the applicant's contribution, or
      - (ii) where subsection (1A) applies, the amount determined by virtue of that subsection,
 whichever is the greater.
  - (1A) In such cases as the Scottish Ministers may specify in regulations, the amount for the purposes of subsection (1)(b)(ii) shall be such percentage of the approved expense as may be so specified; and such regulations may make different provision for different cases or classes of case.

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- (1B) Where the amount of improvement grant payable is that determined by virtue of subsection (1A), the grant is referred to in this Part as a “minimum percentage grant”.
- (1C) Regulations under subsection (1A) shall be made by statutory instrument and shall not be made unless a draft has been laid before, and approved by a resolution of, the Scottish Parliament.”
- (3) In subsection (2), for “(1)” substitute “(1)(a)”.
- (4) In subsection (4)—
- (a) for “amount than that payable” substitute “approved expense than that which may be fixed”,
  - (b) for “that amount” substitute “the approved expense”.
- (5) For subsection (5) substitute—
- “(5) Subsection (5A) applies in relation to an application for an improvement grant, other than—
- (a) an application to which section 244 applies, or
  - (b) an application in respect of works for the benefit of a disabled occupant within the meaning of section 236(3).
- (5A) Where this subsection applies, the maximum approved expense for the purposes of subsection (1)(a) shall be reduced by the total amount of any qualifying grants and assistance in respect of the same house which have been paid or approved for payment within the period of 10 years preceding the date on which the application is determined.
- (5B) In subsection (5A), “qualifying grants and assistance” means—
- (a) improvement grants, other than—
    - (i) grants under section 244,
    - (ii) grants in respect of works for the benefit of a disabled occupant within the meaning of section 236(3), and
    - (iii) minimum percentage grants,
  - (b) repairs grants, other than minimum percentage grants, and
  - (c) assistance under section 42(4) of the Crofters (Scotland) Act 1993 (c. 44).”

## **102 Improvement grants: the tolerable standard and standard amenities**

- (1) In section 86(1) (definition of house meeting tolerable standard) of the 1987 Act, after paragraph (f) insert—
- “(fa) has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;”.
- (2) In section 244 (provision of standard amenities) of that Act—
- (a) after subsection (1) insert—
- “(1A) The standard amenities are those amenities referred to in section 86(1) (e), (f) and (fa).

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- (1B) An order under section 86(2) may amend the reference to the provisions of that section specified in subsection (1A) of this section.”
- (b) in subsection (7), after “be” in the first place where it occurs insert “a minimum of”.