

*Changes to legislation: There are currently no known outstanding effects for the Housing and Planning Act 1986, Paragraph 4. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3

#### COMMON PARTS GRANTS

##### Textual Amendments

- F1** Sch. 3 repealed (*prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(4), 195(2), Sch. 12 Pt. II

#### PART I

##### AMENDMENTS OF PART XV OF THE HOUSING ACT 1985

4 After section 464 of the Housing Act 1985 insert—

“ **Preliminary conditions for application for common parts grant.**

- (1) A local housing authority shall not entertain an application for a common parts grant unless they are satisfied as regards the relevant works that the applicant either—
- (a) has a duty to carry them out, or
  - (b) has power to carry them out and has a qualifying interest in the building or in a dwelling in the building,
- and that, at the date of the application, at least the required proportion of the dwellings in the building is occupied by tenants.
- (2) The following are qualifying interests for the purposes of subsection (1)(b)—
- (a) an estate in fee simple absolute in possession;
  - (b) a term of years absolute of which not less than five years remains unexpired at the date of the application;
  - (c) a tenancy to which section 1 of the Landlord and Tenant Act 1954 applies (long tenancies at low rents);
  - (d) a protected tenancy, a secure tenancy, a protected occupancy or a statutory tenancy;
  - (e) a tenancy which satisfies such conditions as may be prescribed by order of the Secretary of State.
- (3) The required proportion mentioned in subsection (1) is three-quarters or such other proportion as may be—
- (a) prescribed for the purposes of this section by order of the Secretary of State, or
  - (b) approved by him, in relation to a particular case or description of case, on application by the local housing authority;

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and “tenant” for the purposes of that requirement means a person who has an interest within any of paragraphs (b) to (e) of subsection (2) by virtue of which he occupies a dwelling in the building as his only or main residence.

- (4) An order under this section—
- (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section has effect subject to section 513 (parsonages, applications by charities, &c.).”.]

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