



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART XIV

#### ASSISTANCE FOR OWNERS OF DEFECTIVE HOUSING

##### *Assistance by way of reinstatement grant*

#### **269 Reinstatement grant**

- (1) Where a person is entitled to assistance by way of reinstatement grant, the local authority shall pay reinstatement grant to him in respect of—
  - (a) the qualifying work, and
  - (b) any associated arrangement,subject to and in accordance with the following provisions of this Part.
- (2) The "qualifying work" means the work stated in the notice of determination, or in a notice under section 272 (notice of change of work required), to be the work which in the opinion of the local authority is required to reinstate the dwelling.

#### **270 Conditions of payment of reinstatement grant**

- (1) It is a condition of payment of reinstatement grant that the qualifying work is carried out—
  - (a) to the satisfaction of the local authority, and
  - (b) within the period specified in the notice of determination, or that period as extended.
- (2) The period so specified shall be such reasonable period (of at least 12 months), beginning with service of the notice, as the authority may determine.
- (3) The authority shall, if there are reasonable grounds for doing so, by notice in writing served on the person entitled to assistance, extend or further extend the period for carrying out the qualifying work (whether or not the period has expired).

- (4) Payment of reinstatement grant shall not be subject to any other condition, however expressed.

### **271 Amount of reinstatement grant**

- (1) The amount of reinstatement grant payable is the appropriate percentage of whichever is the least of—
- (a) the amount stated in the notice of determination, or in a notice under section 272 (notice of change in work required or expenditure permitted), to be the amount of expenditure which, in the opinion of the local authority, may properly be incurred in executing the qualifying work and entering into any associated arrangement,
  - (b) the expenditure actually incurred in executing the qualifying work and entering into any associated arrangement, and
  - (c) the expenditure which is the maximum amount permitted to be taken into account for the purposes of this section.
- (2) The appropriate percentage is 90 per cent. or, in a case where the authority are satisfied that the person entitled to assistance would suffer financial hardship unless a higher percentage of the expenditure referred to in subsection (1) were paid to him, 100 per cent.
- (3) The Secretary of State may by order vary either or both of the percentages mentioned in subsection (2).
- (4) The maximum amount of expenditure permitted to be taken into account for the purposes of this section is the amount specified as the expenditure limit by order made by the Secretary of State, except in a case or description of case in which the Secretary of State, on the application of a local authority, approves a higher amount.
- (5) An order under subsection (4) may make different provision for different areas, different designated classes and different categories of dwelling.
- (6) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the House of Commons.

### **272 Changes in work or expenditure**

Where the local authority are satisfied that—

- (a) the work required to reinstate the defective dwelling is more extensive than that stated in the notice of determination or in a previous notice under this section, or
- (b) the amount of the expenditure which may properly be incurred in executing that work is greater than that so stated, or
- (c) there is an amount of expenditure which may properly be incurred in entering into an associated arrangement but no such amount is stated in the notice of determination or a previous notice under this section, or
- (d) where such an amount is so stated, the amount of expenditure which may be properly so incurred is greater than that amount,

they shall by notice in writing served on the person entitled to assistance state their opinion as to that amount or, as the case may be, that work and that amount; and the amount of reinstatement grant shall be adjusted accordingly.

**273 Payment of reinstatement grant**

- (1) The local authority may pay reinstatement grant in respect of the qualifying work in a single sum on completion of the work or by instalments.
- (2) No instalment shall be paid if the instalment, together with any amount previously paid, would exceed the appropriate percentage of the cost of so much of the qualifying work as has been executed at that time.
- (3) The authority shall pay reinstatement grant in respect of an associated arrangement when payment in respect of the expenditure incurred in entering into the arrangement falls to be made.

**274 Repayment of grant for breach of condition**

- (1) Where an amount of reinstatement grant has been paid in one or more instalments and the qualifying work is not completed within the period for carrying out the work, the local authority may, if they think fit, require the person who was entitled to assistance to repay that amount to them forthwith.
- (2) The amount required to be repaid (or, if it was paid in more than one instalment, the amount of each instalment) shall carry interest, at such reasonable rate as the authority may determine, from the date on which it was paid until repayment.