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STATUTORY INSTRUMENTS

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**2002 No. 1860**

**The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002**

**Protective provisions**

5.—(1) A local housing authority may not provide assistance for a purpose specified in article 3(1)(b), (c) or (d) unless they are satisfied that the owner of the living accommodation concerned has consented to the carrying out of the assisted work.

(2) For the purposes of paragraph (1), “owner”—

(a) in relation to living accommodation comprising a building or part of a building, means the person who—

(i) is for the time being entitled to receive from a tenant of the accommodation (or would be so entitled if the accommodation were let) a rent at an annual rate of not less than two-thirds of the net annual value of the accommodation; and

(ii) is not himself liable as tenant of the accommodation, or of property which includes the accommodation, to pay such a rent to a superior landlord;

(b) in relation to living accommodation comprising a caravan or a boat or similar structure, means the person who is for the time being entitled to dispose of the caravan or boat or similar structure.

(3) In paragraph (2), “net annual value”, in relation to living accommodation, means the rent at which the accommodation might reasonably be expected to be let from year to year if the tenant undertook to pay all usual tenant’s rates and taxes and to bear the cost of repair and insurance and the other expenses, if any, necessary to maintain the accommodation in a state to command that rent.

(4) Any dispute arising as to the net annual value of living accommodation shall be referred in writing for decision by the district valuer.

(5) In paragraph (4), “district valuer”, in relation to living accommodation in respect of which a person has applied or proposes to apply to a local housing authority for assistance, means an officer of the Commissioners of Inland Revenue appointed by the Commissioners for the purpose of deciding, in relation to the authority, any dispute under that paragraph.

(6) Where a local housing authority have specified, or approved the specification for, assisted work, they shall not vary, or require the variation of, that specification unless they have obtained the consent of every person who, in the authority’s opinion, is likely to be affected to any material extent by the variation.

(7) A local housing authority shall not vary or revoke any condition to which assistance is subject except on the application or with the consent of the person to whom the assistance was provided.