STATUTORY INSTRUMENTS

1988 No. 33

HOUSING, ENGLAND AND WALES

The Grants by Local Housing Authorities (Appropriate Percentage and Exchequer Contributions) Order 1988

Made - - - -	*12th January 1988*
Coming into force	*17th February 1988*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 509(1) and (2) and 517(1) and (2) of the Housing Act 1985(a), and of all other powers enabling them in that behalf, and with the consent of the Treasury, hereby make the following Order, a draft of which has been laid before, and has been approved by resolution of, the House of Commons:

Citation and Commencement

1. This Order may be cited as the Grants by Local Housing Authorities (Appropriate Percentage and Exchequer Contributions) Order 1988, and shall come into force on the 36th day after the day on which it is made and shall have effect in relation to grants approved on or after that date.

Amendment to the Grants by Local Authorities (Appropriate Percentage and Exchequer Contributions) Order 1987

2. The Grants by Local Housing Authorities (Appropriate Percentage and Exchequer Contributions) Order 1987 (b) is hereby amended by the addition, after article 1, of the following article,

> "**1A**. Nothing in articles 2 to 7 below has any effect in relation to an application for a common parts grant."

Appropriate percentage for common parts grant

3. The appropriate percentage in relation to an application for a common parts grant is 75 per cent. in a case in which the building to which the application relates is, on the date on which the application is approved, within one of the following descriptions: –

(a) 1985 c.68. (b) S.I. 1987/1379.

(a) a building within a housing action area;

(b) a building which is unfit for human habitation;

(c) a building containing one or more dwellings which lack one or more of the standard amenities, if such amenity or amenities are to be and can only be provided in the common parts of the building;

(d) a building whose common parts are in need of substantial and structural repair.

4.—(1) In a case to which article 3 does not apply, the appropriate percentage in relation to a special application for a common parts grant is: –

(a) in a case in which the building to which the application relates is situated in an area which, on the date on which the application is approved, is a general improvement area the sum of the following amounts –

(i) 75 per cent. in respect of the special works; and

(ii) 65 per cent. in respect of the remainder of the works, if any;

(b) in any other case, the sum of the following amounts –

(i) 75 per cent. in respect of the special works; and

(ii) 50 per cent. in respect of the remainder of the works, if any.

(2) In this article –

"a special application for a common parts grant" means an application for such a grant where the relevant works consist of or include special works;

"special works" means works needed to meet a requirement of a disabled occupant of a flat in the building to which the application relates, arising from the particular disability from which he suffers.

5. In a case to which neither article 3 nor article 4 applies, the appropriate percentage in relation to an application for a common parts grant is 65 per cent., where the building to which it relates is situated in an area which, on the date on which the application is approved, is a general improvement area.

6. In a case to which none of articles 3 to 5 applies, the appropriate percentage in relation to an application for a common parts grant is 50 per cent.

Contributions by the Secretary of State

7. With respect to applications for common parts grants, the percentages specified in subsection (3) of section 516 of the Housing Act 1985 are varied in the following descriptions of cases: –

(a) in paragraph (a), by the substitution of 75 per cent. in respect of cases to which article 4(1)(a) or article 5 applies;

(b) in paragraph (b), by the substitution of 90 per cent. in respect of cases to which article 3 applies.

Nicholas Ridley
11th December 1987 Secretary of State for the Environment

Peter Walker
16th December 1987 Secretary of State for Wales

We consent,

Tony Durant
Peter Lloyd
12th January 1988 Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

Schedule 3 to the Housing and Planning Act 1986 inserted provisions into Part XV of the Housing Act 1985 ("the 1985 Act") to provide for a new form of grant, to be available from a local housing authority, towards the costs of works required for the improvement or repair of the common parts of a building containing one or more flats.

The amount of a grant made under Part XV of the 1985 Act is determined inter alia by the "appropriate percentage" of the costs of the works to be carried out. Section 509 of the 1985 Act provides for this percentage to be ascertained from orders made by the Secretary of State. Articles 3 to 6 of this Order prescribe the appropriate percentage in relation to applications for common parts grants in different descriptions of cases.

Article 7 of the Order specifies the percentages of common parts grants which may be contributed by the Secretary of State towards the expenses incurred by a local housing authority in making such grants. The effect of article 7, taken together with section 516 of the 1985 Act, is to set the percentage which may be contributed by the Secretary of State at 90 per cent. where the appropriate percentage is 75 per cent. and at 75 per cent. in all other cases.