



Housing (Scotland) Act 2006

2006 asp 1

PART 2

SCHEME OF ASSISTANCE FOR HOUSING PURPOSES

Grants and loans

75 Determination of applications

- (1) Subject to the provisions of this Part, it is for the local authority to decide whether to approve an application for a grant or loan.
- (2) On approving an application, the local authority must then determine—
 - (a) the approved expense in accordance with section 76, and
 - (b) where the application is for a grant or subsidised loan, the applicant's contribution under section 77.
- (3) A local authority may approve an application for a grant or loan only if, in its opinion, all of the conditions in subsection (4) (so far as applicable) are satisfied.
- (4) Those conditions are—
 - (a) that the owners of any land on or premises in which the work is to be, or is being, carried out (other than land or premises proposed to be sold or leased under section 12(4) of the 1987 Act) have consented in writing to the application and to being bound by the conditions mentioned in section 83 (in so far as those conditions apply),
 - (b) where that work has begun, that there were good reasons for beginning it before the application was approved,
 - (c) that the house or houses to which the application relates will provide suitable living accommodation for such period, and conform with such requirements with respect to construction and physical condition and the provision of services and amenities, as the authority considers reasonable,
 - (d) that, if the house or houses to which the application relates form part of any premises containing more than one house, the work to be carried out will not prevent the improvement of any other house in the premises, and

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 75. (See end of Document for details)

- (e) that, in the case of an application for a standard loan, the applicant is unable to obtain a sufficient loan on fair terms from a commercial lender.

(5) In subsection (4)(e)—

“commercial lender” means a person who—

- (a) has permission under [^{F1}Part 4A] of or is otherwise authorised under the Financial Services and Markets Act 2000 (c. 8) to pay money under a contract on terms under which it will be repaid or otherwise [^{F2}to enter into a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods), or],
- (b) is an exempt person within the meaning of that Act in relation to the activity mentioned in paragraph (a), [^{F3}and]
- (c) ^{F4}...

“fair terms” means terms which, in the opinion of the local authority, are reasonable and affordable having regard to the circumstances of the applicant and the interest rates prevailing at the time the loan was applied for.

(6) Subsection (5)(a) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000,
- (b) any relevant order under that section, and
- (c) Schedule 2 to that Act.

(7) The authority may, as a condition of paying the grant or loan, impose a requirement that the work to which the grant or loan relates is completed within such period (being a period of not less than 12 months) as the authority may specify or within such further period as the authority may allow.

Textual Amendments

- F1** Words in s. 75(5)(a) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 18 para. 140](#) (with [Sch. 20](#)); S.I. 2013/423, art. 3, Sch.
- F2** Words in s. 75(5)(a) substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\), art. 1\(2\)\(6\), Sch. para. 46\(a\)](#)
- F3** Word in s. 75(5)(b) substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\), art. 1\(2\)\(6\), Sch. para. 46\(b\)](#)
- F4** XXXS. 75(5)(c) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\), art. 1\(2\)\(6\), Sch. para. 46\(b\)](#)

Commencement Information

- I1** S. 75 in force at 1.4.2009 by [S.I. 2009/122, art. 3](#)

Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 75.