



# Housing Grants, Construction and Regeneration Act 1996

## 1996 CHAPTER 53

### PART I

#### GRANTS, &C. FOR RENEWAL OF PRIVATE SECTOR HOUSING

#### CHAPTER I

#### THE MAIN GRANTS

#### *Grant conditions and repayment*

#### 44 Grant conditions: introductory.

- (1) [<sup>F1</sup>Sections 51 and 52] have effect with respect to the conditions to be observed where an application for a grant has been approved by a local housing authority.

In this Chapter a “grant condition” means a condition having effect in accordance with [<sup>F2</sup>either] of those sections.

- (2) Except as otherwise provided—
- (a) <sup>F3</sup> .....
  - (b) <sup>F4</sup> .....
  - (c) a grant condition imposed under section 52 (power to impose other conditions with consent of Secretary of State) has effect for such period as may be specified in, or in accordance with, the Secretary of State’s consent.
- (3) In this Chapter—
- (a) the “grant condition period” means the period of five years, or such other period as the Secretary of State may by order specify or as may be imposed

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**Changes to legislation:** There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Cross Heading: Grant conditions and repayment. (See end of Document for details)

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by the local housing authority with the consent of the Secretary of State, beginning with the certified date; and

- (b) the “certified date” means the date certified by the local housing authority as the date on which the execution of the eligible works is completed to their satisfaction.

- (4) A local housing authority may not impose any condition requiring a grant to be repaid except in accordance with [F5 sections 51 and 52].

This applies whether the condition purports to operate as a condition of the grant, as a personal covenant or otherwise.

#### Textual Amendments

- F1** Words in s. 44(1) substituted (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), **Sch. 3 para. 19(a)(i)** (with art. 11(2))
- F2** Word in s. 44(1) substituted (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), **Sch. 3 para. 19(a)(ii)** (with art. 11(2))
- F3** S. 44(2)(a) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 19(b)**, **Sch. 6** (with art. 11(2))
- F4** S. 44(2)(b) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 19(b)**, **Sch. 6** (with art. 11(2))
- F5** Words in s. 44(4) substituted (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), **Sch. 3 para. 19(c)** (with art. 11(2))

#### Commencement Information

- I1** S. 44 wholly in force; s. 44 not in force at Royal Assent see s. 150; s. 44 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 44 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

## 45 Condition for repayment on disposal: renovation grants.

F6 .....

#### Textual Amendments

- F6** Ss. 45-50 repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 20**, **Sch. 6** (with art. 11(2))

## 46 Condition for repayment on disposal: common parts grants.

F7 .....

#### Textual Amendments

- F7** Ss. 45-50 repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 20**, **Sch. 6** (with art. 11(2))

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**47 Condition for repayment on disposal: HMO grants.**

F8 .....

**Textual Amendments**

**F8** Ss. 45-50 repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 20, Sch. 6** (with art. 11(2))

**48 Condition as to owner-occupation: renovation grants.**

F9 .....

**Textual Amendments**

**F9** Ss. 45-50 repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 20, Sch. 6** (with art. 11(2))

**49 Condition as to availability for letting: renovation grants.**

F10 .....

**Textual Amendments**

**F10** Ss. 45-50 repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 20, Sch. 6** (with art. 11(2))

**50 Conditions as to occupation: HMO grants.**

F11 .....

**Textual Amendments**

**F11** Ss. 45-50 repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11, 15, **Sch. 3 para. 20, Sch. 6** (with art. 11(2))

**51 Conditions as to repayment in case of other compensation, &c.**

- (1) Where a local housing authority approve an application for a grant they may, with the consent of the Secretary of State, impose a condition requiring the applicant to take reasonable steps to pursue any relevant claim to which this section applies and to repay the grant, so far as appropriate, out of the proceeds of such a claim.
- (2) The claims to which this section applies are—
  - (a) an insurance claim, or a legal claim against another person, in respect of damage to the premises to which the grant relates, or
  - (b) a legal claim for damages in which the cost of the works to premises to which the grant relates is part of the claim;

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and a claim is a relevant claim to the extent that works to make good the damage mentioned in paragraph (a), or the cost of which is claimed as mentioned in paragraph (b), are works to which the grant relates.

- (3) In the event of a breach of a condition under this section, the applicant shall on demand pay to the local housing authority the amount of the grant so far as relating to any such works, together with compound interest as from such date as may be prescribed by or determined in accordance with the regulations, calculated at such reasonable rate as the authority may determine and with yearly rests.
- (4) The local housing authority may determine not to make such a demand or to demand a lesser amount.

#### Commencement Information

- I2** S. 51 wholly in force; s. 51 not in force at Royal Assent see s. 150; s. 51 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, art. 2(2); s. 51 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, art. 3

## 52 Power to impose other conditions with consent of Secretary of State.

- (1) Where a local housing authority approve an application for a grant they may, with the consent of the Secretary of State, impose such conditions as they think fit—
  - (a) relating to things done or omitted before the certified date and requiring the repayment to the local housing authority on demand of any instalments of grant paid, or
  - (b) relating to things done or omitted on or after that date and requiring the payment to the local housing authority on demand of a sum equal to the amount of the grant paid;

and, in either case, that amount may be required to be paid together with compound interest on that amount as from the date of payment, calculated at such reasonable rate as the authority may determine and with yearly rests.
- (2) A condition under this section is a local land charge and is binding on—
  - (a) any person who is for the time being an owner of the dwelling<sup>F12</sup> . . . or building, and
  - (b) such other persons (if any) as the authority may, with the consent of the Secretary of State, specify.
- (3)<sup>F13</sup> .....
- (4) Where the authority have the right to demand repayment of an amount as mentioned in subsection (1), they may determine not to demand payment or to demand a lesser amount.
- (5) Any conditions imposed under this section are in addition to the conditions provided for by [<sup>F14</sup>section 51] .

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### Textual Amendments

- F12** Word in s. 52(2)(a) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 21(a)**, **Sch. 6** (with art. 11(2))
- F13** S. 52(3) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 21(b)**, **Sch. 6** (with art. 11(2))
- F14** Words in s. 52(5) substituted (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), **Sch. 3 para. 21(c)** (with art. 11(2))

### Commencement Information

- I3** S. 52 wholly in force; s. 52 not in force at Royal Assent see s. 150; s. 52 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 52 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

## 53 Meaning of relevant disposal.

**F15** .....

### Textual Amendments

- F15** S. 53 repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 22**, **Sch. 6** (with art. 11(2))

## 54 Meaning of exempt disposal.

**F16** .....

### Textual Amendments

- F16** S. 54 repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 22**, **Sch. 6** (with art. 11(2)); s. 54 as saved by S.I. 2002/1860, art. 11(2) amended (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 63**; S.I. 2005/3175, art. 2(1), Sch. 1

## 55 Cessation of conditions on repayment of grant, &c.

- (1) If at any time while a grant condition remains in force with respect to a dwelling, <sup>F17</sup> . . . or building—
- (a) the owner of the dwelling, <sup>F17</sup> . . . or building to which the condition relates pays the amount of the grant to the local housing authority by whom the grant was made,
  - (b) a mortgagee of the interest of the owner in that dwelling, <sup>F17</sup> . . . or building being a mortgagee entitled to exercise a power of sale, makes such a payment,
  - (c) the local housing authority determine not to demand repayment on the breach of a grant condition, or
  - (d) the authority demand repayment in whole or in part on the breach of a grant condition and that demand is satisfied,

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that grant condition and any other grant conditions shall cease to be in force with respect to that dwelling,<sup>F17</sup> . . . or building.

<sup>F18</sup>(2) . . . . .

(3) An amount paid by a mortgagee under subsection (1)(b) above shall be treated as part of the sums secured by the mortgage and may be discharged accordingly.

(4) The purposes authorised for the application of capital money by—

(a) section 73 of the <sup>M1</sup>Settled Land Act 1925,

<sup>F19</sup>(b) . . . . .

(c) section 26 of the <sup>M2</sup>Universities and College Estates Act 1925,

include the making of payments under this section.

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#### Textual Amendments

**F17** Words in s. 55(1) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 23(a)**, **Sch. 6** (with art. 11(2))

**F18** S. 55(2) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 23(b)**, **Sch. 6** (with art. 11(2))

**F19** S. 55(4)(b) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch. 4** (with ss. 24(2), 25(4)(5)); S.I. 1996/2974, **art. 2**

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#### Marginal Citations

**M1** 1925 c. 18.

**M2** 1925 c. 24.

**Changes to legislation:**

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