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

Modifications etc. (not altering text)
C1 Pt. I Ch. I (ss. 1-59) excluded (17.12.1996) by S.I. 1996/2890, **reg. 3(1)**

Introductory

1 Grants for improvements and repairs, &c.

(1) Grants are available from local housing authorities in accordance with this Chapter towards the cost of works required for—

(a) the improvement or repair of dwellings, houses in multiple occupation or the common parts of buildings containing one or more flats,

(b) the provision of dwellings or houses in multiple occupation by the conversion91. of a house or other building, and

(c) the provision of facilities for disabled persons in dwellings and in the common parts of buildings containing one or more flats.

(2) A grant relating to—

(a) the improvement or repair of a dwelling, or

(b) the provision of dwellings by the conversion of a house or other building,

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

is referred to as a "renovation grant".

(3) A grant relating to the improvement or repair of the common parts of a building is referred to as a "common parts grant".

(4) A grant for the provision of facilities for a disabled person—
  (a) in a dwelling, or
  (b) in the common parts of a building containing one or more flats,
is referred to as a "disabled facilities grant".

(5) A grant for—
  (a) the improvement or repair of a house in multiple occupation, or
  (b) the provision of a house in multiple occupation by the conversion of a house or other building,
is referred to as an "HMO grant".

(6) In the following provisions of this Chapter the expression "grant", without more, means any of these types of grant.

2 Applications for grants.

(1) No grant shall be paid unless an application for it is made to the local housing authority in accordance with the provisions of this Chapter and is approved by them.

(2) An application for a grant shall be in writing and shall specify the premises to which it relates and contain—
  (a) particulars of the works in respect of which the grant is sought (in this Chapter referred to as the "relevant works");
  (b) unless the local housing authority otherwise direct in any particular case, at least two estimates from different contractors of the cost of carrying out the relevant works;
  (c) particulars of any preliminary or ancillary services and charges in respect of the cost of which the grant is also sought; and
  (d) such other particulars as may be prescribed.

(3) In this Chapter "preliminary or ancillary services and charges", in relation to an application for a grant, means services and charges which—
  (a) relate to the application and the preparation for and the carrying out of works, and
  (b) are specified for the purposes of this subsection by order of the Secretary of State.

(4) The Secretary of State may by regulations prescribe a form of application for a grant and an application for a grant to which any such regulations apply is not validly made unless it is in the prescribed form.

Commencement Information

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

Preliminary conditions

3 Ineligible applicants.

(1) No grant is payable under this Chapter unless the applicant is aged 18 or over on the date of the application.

In the case of a joint application, any applicant under the age of 18 years on the date of the application shall be left out of account.

(2) No grant is payable under this Chapter if the person who would otherwise qualify as the applicant for the grant is—

(a) a local authority;
(b) a new town corporation;
(c) an urban development corporation;
(d) a housing action trust;
(e) the Development Board for Rural Wales;
(f) a health authority, special health authority or NHS trust;
[[F1](g) a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;**]**
(h) a joint authority established by Part IV of the [M1]Local Government Act 1985;
(i) a residuary body established by Part VII of that Act; or
(j) an authority established under section 10(1) of that Act (waste disposal).

(3) No grant is payable under this Chapter if the applicant is of a description excluded from entitlement to grant aid by regulations made by the Secretary of State.

(4) Regulations under subsection (3) may proceed wholly or in part by reference to the provisions relating to entitlement to housing benefit, or any other form of assistance, as they have effect from time to time.

Textual Amendments

F1 S. 3(2)(g) substituted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 89**; S.I. 1998/354, **art. 2(2)(ay)**

Commencement Information

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

Marginal Citations

M1 1985 c. 51.

4 The age of the property.

(1) A local housing authority shall not entertain an application for a grant in respect of premises provided (by construction or conversion) less than ten years before the date of the application, unless—

(a) the application is for a disabled facilities grant, or

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(b) the application is for an HMO grant in respect of a house in multiple occupation provided by conversion.

(2) The Secretary of State may by order amend subsection (1) so as to substitute another period for that specified.

5 Excluded descriptions of works.

(1) No grant is payable in respect of works of a description excluded from grant aid under this Chapter by regulations made by the Secretary of State.

(2) Regulations may be made with respect to local housing authorities generally or to a particular local housing authority and may be made with respect to particular areas.

(3) Regulations may specify descriptions of works for which grant aid is not to be available without the Secretary of State's consent, which may be given—

(a) to local housing authorities generally or to a particular local housing authority,

(b) with respect to particular areas, or

(c) with respect to applications generally or to a particular description of application.

6 Defective dwellings.

(1) No grant is payable if—

(a) the dwelling, house or building is or forms part of a building of a class designated under section 528 or 559 of the [M2]Housing Act 1985 (defective dwellings),

(b) the applicant is eligible for assistance under Part XVI of that Act in respect of a defective dwelling which is or forms part of the dwelling, house or building concerned, and

(c) the relevant works are, within the meaning of that Part, works required to reinstate that defective dwelling.

(2) If the local housing authority consider that the relevant works include works for which assistance is available under Part XVI of the Housing Act 1985 (assistance for owners of defective housing), they shall treat the application as if the relevant works did not include those works.

Marginal Citations

M2 1985 c. 68.

Renovation grants

7 Renovation grants: owner's applications and tenant's applications.

(1) A local housing authority shall not entertain an application for a renovation grant unless they are satisfied—

(a) that the applicant has, or proposes to acquire, an owner's interest in every parcel of land on which the relevant works are to be carried out, or

(b) in the case of an application other than a conversion application, that the applicant is a qualifying tenant of the dwelling (alone or jointly with others) but does not have, or propose to acquire, an owner's interest in the dwelling.

(2) References in this Chapter to an "owner's application" or a "tenant's application", in relation to a renovation grant, shall be construed accordingly.

(3) In accordance with directions given by the Secretary of State, a local housing authority may treat the condition in subsection (1)(a) as met by a person who has, or proposes to acquire, an owner's interest in only part of the land concerned.

(4) References in this Chapter to "a qualifying owner's interest", in relation to an application for a renovation grant, are to an owner's interest meeting the condition in subsection (1)(a) or treated by virtue of subsection (3) as meeting that condition.

(5) In this Chapter a "qualifying tenant", in relation to an application for a renovation grant, means a person who (alone or jointly with others) is a tenant of the premises to which the application relates—

(a) who is required by the terms of his tenancy to carry out the relevant works and whose tenancy is not of a description excluded from this subsection by order of the Secretary of State, or

(b) whose tenancy is of a description specified for the purposes of this subsection by order of the Secretary of State.

(6) In subsection (5) "tenant" includes a person having a licence to occupy the premises concerned which satisfies such conditions as may be specified by order of the Secretary of State.

References in this Chapter to tenants and other expressions relating to tenancies, in the context of a tenant's application for a renovation grant, shall be construed accordingly.

Commencement Information

I3 S. 7 wholly in force; s. 7 not in force at Royal Assent see s. 150; s. 7 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 7 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

8 Renovation grants: certificates required in case of owner's application.

(1) A local housing authority shall not entertain an owner's application for a renovation grant unless it is accompanied by an owner-occupation certificate or a certificate of intended letting in respect of the dwelling to which the application relates or, in the case of a conversion application, in respect of each of the dwellings to be provided.

(2) An "owner-occupation certificate" certifies that the applicant—

(a) has or proposes to acquire a qualifying owner's interest, and

(b) intends that throughout the grant condition period he or a member of his family will live in the dwelling as his (or that member's) only or main residence.

(3) A "certificate of intended letting" certifies that the applicant—

(a) has or proposes to acquire a qualifying owner's interest, and

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(b) intends that throughout the grant condition period the dwelling will be let or available for letting as a residence (and not for a holiday) to a person who is not connected with the owner for the time being of the dwelling.

In paragraph (b) "letting" does not include a letting on a long tenancy.

(4) In subsection (3) references to letting include the grant of a licence to occupy premises.

References in this Chapter to tenants and other expressions relating to tenancies, in the context of a certificate of intended letting, shall be construed accordingly.

(5) Where section 10 applies (prior qualifying period in certain cases) a local housing authority shall not entertain an owner's application for a renovation grant unless it is also accompanied by a certificate specifying how the requirements of that section are met.

9 Renovation grants: certificates required in case of tenant's application.

(1) A local housing authority shall not entertain a tenant's application for a renovation grant unless it is accompanied by a tenant's certificate.

(2) A "tenant's certificate" certifies—

(a) that the applicant is a qualifying tenant of the dwelling, and

(b) that he or a member of his family intends to live in the dwelling as his (or that member's) only or main residence.

(3) Except where the authority consider it unreasonable in the circumstances to require such a certificate, they shall not entertain a tenant's application for a renovation grant unless it is also accompanied by a certificate of intended letting (see section 8(3)) by the person who at the time of the application is the landlord under the tenancy.

(4) Where section 10 applies (prior qualifying period in certain cases) a local housing authority shall not entertain a tenant's application for a renovation grant unless it is also accompanied by a certificate specifying how the requirements of that section are met.

10 Renovation grants: prior qualifying period.

(1) Subject to subsection (3), a local housing authority shall not entertain an application to which this section applies unless they are satisfied—

(a) that the ownership or tenancy condition (see section 11) was met throughout the qualifying period, and

(b) in the case of an application accompanied by an owner-occupation certificate or a tenant's certificate, that the applicant lived in the dwelling as his only or main residence throughout that period.

In the case of a joint application it is sufficient if those conditions are met by any of the applicants.

(2) The qualifying period for the purposes of this section is the period of three years, or such other period as may be specified by order of the Secretary of State, ending with the date of the application.

(3) A local housing authority may dispense with compliance with either or both of the conditions in subsection (1), and may do so either generally or in relation to particular cases or descriptions of case.

(4) Subject to subsection (5), this section applies to every application for a renovation grant, other than—
   (a) a conversion application,
   (b) an application in respect of a dwelling in a renewal area,
   (c) an application in respect of works to provide means of escape in case of fire or other fire precautions, or
   (d) an application of any other description excepted from this section by order of the Secretary of State.

(5) This section does not apply to a landlord's application unless the Secretary of State by order so provides, which he may do with respect to all landlord's applications or any description of landlord's application.

Any such order may provide that this section applies to a landlord's application notwithstanding that it is of a kind mentioned in paragraphs (a) to (d) of subsection (4).

(6) A "landlord's application" for a renovation grant means an owner's application which is accompanied by a certificate of intended letting.

A conversion application for the provision of two or more dwellings shall not be treated as a landlord's application if any of the certificates accompanying the application is an owner-occupation certificate.

11 Prior qualifying period: the ownership or tenancy condition.

(1) The "ownership or tenancy condition" for the purposes of section 10 is that the applicant had a qualifying owner's interest in, or was a qualifying tenant of, the dwelling.

That condition shall be treated as having been met in the following circumstances.

(2) Where the applicant took his owner's interest or became a qualifying tenant under the will or on the intestacy of a member of his family, the ownership or tenancy condition shall be treated as having been met—
   (a) during any period when the deceased both held a qualifying owner's interest in or was a qualifying tenant of the dwelling and lived in the dwelling as his only or main residence, and
   (b) if immediately before his death the deceased both—
      (i) held such an interest or was such a tenant, and
      (ii) lived in the dwelling as his only or main residence,

   during any period not exceeding one year when his personal representatives, or the Public Trustee under section 9 of the [M3]Administration of Estates Act 1925, held such an interest or was such a tenant.

(3) The local housing authority may treat a person as continuing to meet the residence requirement in subsection (2)(a) or (b)(ii) for up to a year after he has, by reason of age or infirmity—
   (a) gone to live with and be cared for by a member of his family, or
   (b) gone to live in a hospital, hospice, sheltered housing, residential care home or similar institution.

(4) Where the applicant took his owner's interest or became a qualifying tenant by virtue of a disposal made by a member of his family, and the authority are satisfied—

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(a) that the person making the disposal was elderly or infirm, and

(b) that he made the disposal with the intention of—

(i) going to live with and be cared for by a member of his family, or

(ii) going to live in a hospital, hospice, sheltered housing, residential care home or similar institution as his only or main residence,

the ownership or tenancy condition shall be treated as having been met during any period ending on the date of the disposal when the person making the disposal held a qualifying owner's interest in or was a qualifying tenant of the dwelling.

(5) Where the applicant took his owner's interest or became a qualifying tenant by virtue of a disposal made by his spouse, and the authority are satisfied that the disposal was made as a result of arrangements in relation to divorce, judicial separation or declaration of nullity of marriage, the ownership or tenancy condition shall be treated as having been met during any period ending on the date of the disposal when the spouse held a qualifying owner's interest in or was a qualifying tenant of the dwelling.

(6) The references in subsection (5) to the spouse of the applicant—

(a) in the case of divorce, include his former spouse, and

(b) in the case of a declaration of nullity, shall be construed as references to the other party to the marriage.

Marginal Citations

M3 1925 c. 23.

12 Renovation grants: purposes for which grant may be given.

(1) The purposes for which an application for a renovation grant, other than a conversion application, may be approved are the following—

(a) to comply with a notice under section 189 of the [M4]Housing Act 1985 (repair notice in respect of unfit premises) or otherwise to render the dwelling fit for human habitation;

(b) to comply with a notice under section 190 of that Act (repair notice in respect of premises not unfit but in need of substantial repair) or otherwise to put the dwelling in reasonable repair;

(c) to provide adequate thermal insulation;

(d) to provide adequate facilities for space heating;

(e) to provide satisfactory internal arrangements;

(f) to provide means of escape in case of fire or other fire precautions, not being precautions required under or by virtue of any enactment (whenever passed);

(g) to ensure that the dwelling complies with such requirements with respect to construction or physical condition as may be specified by the Secretary of State;

(h) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the dwelling as are so specified;

(i) any other purpose for the time being specified for the purposes of this section by order of the Secretary of State.

(2) The purpose for which a conversion application may be approved is to provide one or more dwellings by the conversion of a house or other building.

(3) If in the opinion of the authority the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in subsection (1) or (2), they may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to the authority to be necessary for that purpose.

(4) The reference in paragraph (f) of subsection (1) to precautions required under or by virtue of an enactment does not include precautions required to comply with a notice under section 352 of the Housing Act 1985 (notice requiring execution of works to render house in multiple occupation fit for number of occupants) so far as it relates to premises which are not part of a house in multiple occupation for the purposes of this Part.

(5) In exercise of the powers conferred by paragraphs (g) and (h) of subsection (1) the Secretary of State may specify requirements generally or for particular cases, and may specify different requirements for different areas.

Commencement Information

I4 S. 12 wholly in force; s. 12 not in force at Royal Assent see s. 150; s. 12 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2**; s. 12 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

Marginal Citations

M4 1985 c. 68.

13 Renovation grants: approval of application.

(1) The local housing authority may approve an application for a renovation grant if they think fit, subject to the following provisions.

(2) The authority shall not approve an application for a renovation grant unless they are satisfied that the works are necessary for one or more of the purposes set out in section 12(1) or (2).

(3) Where an authority entertain an owner's application for a renovation grant made by a person who proposes to acquire a qualifying owner's interest, they shall not approve the application until they are satisfied that he has done so.

(4) An authority proposing to approve an application for a renovation grant shall consider whether the premises to which it relates are fit for human habitation.

(5) If it appears to the authority that the premises are not fit for human habitation, they shall not approve the application unless they are satisfied—

(a) that on completion of the relevant works, together with any other works proposed to be carried out, the premises will be fit for human habitation,

(b) that there are satisfactory financial and other arrangements for carrying out those works, and

(c) that the carrying out of the works is the most satisfactory course of action.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(6) In considering whether to approve an application for a renovation grant the authority shall have regard to the expected life of the building (taking account, where appropriate, of the effect of carrying out the works).

Common parts grants

14 Common parts grants: occupation of flats by occupying tenants.

(1) A local housing authority shall not entertain an application for a common parts grant unless they are satisfied that at the date of the application at least the required proportion of the flats in the building concerned is occupied by occupying tenants.

(2) In this Chapter an "occupying tenant", in relation to a flat in a building, means a person who has in relation to the flat (alone or jointly with others)—

(a) a tenancy to which section 1 of the [M5]Landlord and Tenant Act 1954 or Schedule 10 to the [M6]Local Government and Housing Act 1989 applies (long tenancies at low rents),

(b) an assured tenancy, a protected tenancy, a secure tenancy or a statutory tenancy,

(c) a protected occupancy under the [M7]Rent (Agriculture) Act 1976 or an assured agricultural occupancy within the meaning of Part I of the [M8]Housing Act 1988, or

(d) a tenancy or licence which satisfies such conditions as may be specified by order of the Secretary of State,

and who occupies the flat as his only or main residence.

References in this Chapter to other expressions relating to tenancies, in the context of an application for a common parts grant, shall be construed accordingly.

(3) The "required proportion" mentioned in subsection (1) is three-quarters or such other proportion as may be—

(a) specified for the purposes of this section by an order of the Secretary of State, or

(b) approved by him, in relation to a particular case or description of case, on application made by the local housing authority concerned.

Marginal Citations

M5 1954 c. 56.
M6 1989 c. 42.
M7 1976 c. 80.
M8 1988 c. 50.

15 Common parts grants: landlord's and tenants' applications.

(1) A local housing authority shall not entertain an application for a common parts grant unless they are satisfied—

(a) that the applicant has an owner's interest in the building and has a duty or power to carry out the relevant works, or

(b) that the application is made by at least three-quarters of the occupying tenants of the building who under their tenancies have a duty to carry out, or to make a contribution in respect of the carrying out of, some or all of the relevant works.

(2) References in this Chapter to a "landlord's application" and a "tenants' application", in relation to a common parts grant, shall be construed accordingly.

(3) In deciding whether the requirement in subsection (1)(b) is met—

(a) where a tenancy is held by two or more persons jointly, those persons shall be regarded as a single occupying tenant; and

(b) a tenant whose tenancy is of a description specified for the purposes of that paragraph by order of the Secretary of State shall be treated as an occupying tenant falling within that paragraph.

(4) A person who has an owner's interest in the building and who has a duty or power to carry out any of the relevant works may also join in a tenants' application for a common parts grant; and where such a person does join in an application, he is in this Chapter referred to as a "participating landlord".

16 Common parts grants: certificate required to accompany application.

(1) A local housing authority shall not entertain a landlord's application for a common parts grant unless it is accompanied by a certificate signed by the applicant which—

(a) specifies the interest of the applicant in the building, and

(b) certifies that the required proportion of the flats in the building is occupied by occupying tenants.

(2) A local housing authority shall not entertain a tenants' application for a common parts grant unless it is accompanied by a certificate signed by each of the applicants which—

(a) specifies the interest of each of the applicants in each flat in the building, and

(b) certifies that the required proportion of the flats in the building is occupied by occupying tenants.

17 Common parts grants: purposes for which grant may be given.

(1) The purposes for which an application for a common parts grant may be approved are—

(a) to comply with a notice under section 189 of the [M9]Housing Act 1985 (repair notice in respect of unfit premises) or otherwise to cause the building to meet the requirements in section 604(2) of that Act;

(b) to comply with a notice under section 190 of that Act (repair notice in respect of premises not unfit but in need of substantial repair) or otherwise to put the building in reasonable repair;

(c) to comply with a notice under section 352 of that Act (notice requiring works to render premises fit for the number of occupants) or otherwise to enable the house to meet one or more of the requirements in subsection (1A) of that section;

(d) to provide adequate thermal insulation;

(e) to provide adequate facilities for space heating;

(f) to provide satisfactory internal arrangements;

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(g) to provide means of escape in case of fire or other fire precautions, not being precautions required under or by virtue of any enactment (whenever passed);

(h) to ensure that the building complies with such requirements with respect to construction or physical condition as may be specified by the Secretary of State;

(i) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the building as are so specified;

(j) any other purpose for the time being specified for the purposes of this section by order of the Secretary of State.

(2) If in the opinion of the local housing authority the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in subsection (1), they may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to the authority to be necessary for that purpose.

(3) In exercise of the powers conferred by paragraphs (h) and (i) of subsection (1) the Secretary of State may specify requirements generally or for particular cases, and may specify different requirements for different areas.

Commencement Information

I5 S. 17 wholly in force; s. 17 not in force at Royal Assent see s. 150; s. 17 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2**; s. 17 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

Marginal Citations

M9 1985 c. 68.

18 Common parts grants: approval of application.

(1) The local housing authority may approve an application for a common parts grant if they think fit, subject to the following provisions.

(2) The authority shall not approve an application for a common parts grant unless they are satisfied that the works are necessary for one or more of the purposes set out in section 17(1).

(3) An authority proposing to approve an application for a common parts grant shall consider whether the building to which the application relates meets the requirements mentioned in paragraphs (a) to (e) of section 604(2) of the [M10]Housing Act 1985.

(4) If it appears to the authority that the building does not meet those requirements, they shall not approve the application unless they are satisfied—

(a) that on completion of the relevant works, together with any other works proposed to be carried out, the building will meet those requirements,

(b) that there are satisfactory financial and other arrangements for carrying out those works, and

(c) that the carrying out of the works is the most satisfactory course of action.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(5) In considering whether to approve an application for a common parts grant the local housing authority shall have regard to the expected life of the building (taking account, where appropriate, of the effect of carrying out the works).

Marginal Citations
M10 1985 c. 68.

Disabled facilities grants

19 Disabled facilities grants: owner's and tenant's applications.

(1) A local housing authority shall not entertain an application for a disabled facilities grant unless they are satisfied—
  (a) that the applicant has, or proposes to acquire, an owner's interest in every parcel of land on which the relevant works are to be carried out, or
  (b) that the applicant is a tenant (alone or jointly with others)—
    (i) in the case of an application in respect of works to a dwelling, of the dwelling, or
    (ii) in the case of a common parts application, of a flat in the building,

  and, in either case, does not have or propose to acquire such an owner's interest as is mentioned in paragraph (a).

(2) References in this Chapter to an "owner's application" or a "tenant's application", in relation to a disabled facilities grant, shall be construed accordingly.

(3) In accordance with directions given by the Secretary of State, a local housing authority may treat the condition in subsection (1)(a) as met by a person who has, or proposes to acquire, an owner's interest in only part of the land concerned.

(4) In this Chapter, in relation to an application for a disabled facilities grant—

  "qualifying owner's interest" means an owner's interest meeting the condition in subsection (1)(a) or treated by virtue of subsection (3) as meeting that condition; and

  "qualifying tenant" means a tenant who meets the conditions in subsection (1)(b).

(5) In this Chapter "tenant", in relation to a disabled facilities grant, includes—
  (a) a secure tenant, introductory tenant or statutory tenant,
  (b) a protected occupier under the [M11]Rent (Agriculture) Act 1976 or a person in occupation under an assured agricultural occupancy within the meaning of Part I of the [M12]Housing Act 1988,
  (c) an employee (whether full-time or part-time) who occupies the dwelling or flat concerned for the better performance of his duties, and
  (d) a person having a licence to occupy the dwelling or flat concerned which satisfies such conditions as may be specified by order of the Secretary of State;

  and other expressions relating to tenancies, in the context of an application for disabled facilities grant, shall be construed accordingly.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

Commencement Information

I6 S. 19 wholly in force; s. 19 not in force at Royal Assent see s. 150; s. 19 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; S. 19 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

Marginal Citations

M11 1976 c. 80.

M12 1988 c. 50.

20 Disabled facilities grants: the disabled occupant.

In this Chapter the "disabled occupant", in relation to an application for disabled facilities grant, means the disabled person for whose benefit it is proposed to carry out any of the relevant works.

21 Disabled facilities grants: certificate required in case of owner's application.

(1) A local housing authority shall not entertain an owner's application for a disabled facilities grant unless it is accompanied by an owner's certificate in respect of the dwelling to which the application relates or, in the case of a common parts application, in respect of each flat in the building occupied or proposed to be occupied by a disabled occupant.

(2) An "owner's certificate", for the purposes of an application for a disabled facilities grant, certifies that the applicant—

(a) has or proposes to acquire a qualifying owner's interest, and

(b) intends that the disabled occupant will live in the dwelling or flat as his only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.

22 Disabled facilities grants: certificates required in case of tenant's application.

(1) A local housing authority shall not entertain a tenant's application for a disabled facilities grant unless it is accompanied by a tenant's certificate.

(2) A "tenant's certificate", for the purposes of an application for a disabled facilities grant, certifies—

(a) that the application is a tenant's application, and

(b) that the applicant intends that he (if he is the disabled occupant) or the disabled occupant will live in the dwelling or flat as his only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.

(3) Except where the authority consider it unreasonable in the circumstances to require such a certificate, they shall not entertain a tenant's application for a disabled facilities grant unless it is also accompanied by an owner's certificate from the person who at the time of the application is the landlord under the tenancy.

VALID FROM 19/07/2003

[F2 22A Certificates required in case of occupier's application

(1) A local housing authority shall not entertain an occupier's application for a grant unless it is accompanied by an occupier's certificate.

(2) An "occupier's certificate", for the purposes of an application for a grant, certifies—
- (a) that the application is an occupier's application, and
- (b) that the applicant intends that he (if he is the disabled occupant) or the disabled occupant will live in the qualifying houseboat or qualifying park home (as the case may be) as his only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.

(3) Except where the authority consider it unreasonable in the circumstances to require such a certificate, they shall not entertain an occupier's application for a grant unless it is also accompanied by a consent certificate from each person (other than the applicant) who at the time of the application—
- (a) is entitled to possession of the premises at which the qualifying houseboat is moored or, as the case may be, the pitch on which the qualifying park home is stationed; or
- (b) is entitled to dispose of the qualifying houseboat or, as the case may be, the qualifying park home.

(4) A "consent certificate", for the purposes of subsection (3), certifies that the person by whom the certificate is given consents to the carrying out of the relevant works.**]**

Textual Amendments

F2 S. 22A inserted (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. 6** (with art. 11(2))

23 Disabled facilities grants: purposes for which grant must or may be given.

(1) The purposes for which an application for a disabled facilities grant must be approved, subject to the provisions of this Chapter, are the following—
- (a) facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated;
- (b) making the dwelling or building safe for the disabled occupant and other persons residing with him;
- (c) facilitating access by the disabled occupant to a room used or usable as the principal family room;
- (d) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;
- (e) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility;

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(f) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility;

(g) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a washhand basin, or facilitating the use by the disabled occupant of such a facility;

(h) facilitating the preparation and cooking of food by the disabled occupant;

(i) improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating system in the dwelling or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs;

(j) facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control;

(k) facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident in the dwelling and is in need of such care;

(l) such other purposes as may be specified by order of the Secretary of State.

(2) An application for a disabled facilities grant may be approved, subject to the provisions of this Chapter, for the purpose of making the dwelling or building suitable for the accommodation, welfare or employment of the disabled occupant in any other respect.

(3) If in the opinion of the local housing authority the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in subsection (1) or the purpose mentioned in subsection (2), they may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to the authority to be necessary for that purpose.

24 Disabled facilities grants: approval of application.

(1) The local housing authority—

(a) shall approve an application for a disabled facilities grant for purposes within section 23(1), and

(b) may if they think fit approve an application for a disabled facilities grant not for a purpose within that provision but for the purpose specified in section 23(2),

subject to the following provisions.

(2) Where an authority entertain an owner's application for a disabled facilities grant made by a person who proposes to acquire a qualifying owner's interest, they shall not approve the application until they are satisfied that he has done so.

(3) A local housing authority shall not approve an application for a disabled facilities grant unless they are satisfied—

(a) that the relevant works are necessary and appropriate to meet the needs of the disabled occupant, and

(b) that it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling or building.

In considering the matters mentioned in paragraph (a) a local housing authority which is not itself a social services authority shall consult the social services authority.

(4) An authority proposing to approve an application for a disabled facilities grant shall consider—

(a) in the case of an application in respect of works to a dwelling, whether the dwelling is fit for human habitation;

(b) in the case of a common parts application, whether the building meets the requirements in section 604(2) of the [M13]Housing Act 1985.

and the authority shall take that into account in deciding whether it is reasonable and practicable to carry out the relevant works.

(5) A local housing authority shall not approve a common parts application for a disabled facilities grant unless they are satisfied that the applicant has a power or is under a duty to carry out the relevant works.

Marginal Citations

M13 1985 c. 68.

HMO grants

25 HMO grants: the interest of the applicant in the property.

(1) A local housing authority shall not entertain an application for an HMO grant unless they are satisfied that the applicant has or proposes to acquire an owner's interest in every parcel of land on which the relevant works are to be carried out.

(2) In accordance with directions given by the Secretary of State, a local housing authority may treat the condition in subsection (1) as fulfilled by a person who has, or proposes to acquire, an owner's interest in only part of the land concerned.

(3) References in this Chapter to "a qualifying owner's interest", in relation to an application for an HMO grant, are to an owner's interest meeting the condition in subsection (1) or treated by virtue of subsection (2) as meeting that condition.

Commencement Information

I7 S. 25 wholly in force; s. 25 not in force at Royal Assent see s. 150; s. 25 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 25 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

26 HMO grants: certificate required to accompany application.

(1) A local housing authority shall not entertain an application for an HMO grant unless it is accompanied by a certificate of future occupation.

(2) A "certificate of future occupation" certifies that the applicant—

(a) has or proposes to acquire a qualifying owner's interest in the house, and

(b) intends that throughout the grant condition period the house or a part of it (specified in the certificate) will be residentially occupied, or available for residential occupation, under tenancies or licences by persons who are not connected with the owner for the time being of the house.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

In paragraph (b) "residential occupation" does not include occupation for a holiday, and "tenancies" does not include a long tenancy.

27 HMO grants: purposes for which grant may be given.

(1) The purposes for which an application for an HMO grant (other than a conversion application) may be approved are—

(a) to comply with a notice under section 189 of the [M14]Housing Act 1985 (repair notice in respect of unfit premises) or otherwise to render the house fit for human habitation;

(b) to comply with a notice under section 190 of that Act (repair notice in respect of premises not unfit but in need of substantial repair) or otherwise to put the building in reasonable repair;

(c) to comply with a notice under section 352 of that Act (notice requiring works to render premises fit for the number of occupants) or otherwise to enable the house to meet one or more of the requirements in subsection (1A) of that section;

(d) to provide adequate thermal insulation;

(e) to provide adequate facilities for space heating;

(f) to provide satisfactory internal arrangements;

(g) to provide means of escape in case of fire or other fire precautions, not being precautions required under or by virtue of any enactment (whenever passed);

(h) to ensure that the house complies with such requirements with respect to construction or physical condition as may be specified by the Secretary of State;

(i) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the house as are so specified;

(j) any other purpose for the time being specified for the purposes of this section by order of the Secretary of State.

(2) The purpose for which a conversion application may be approved is to provide a house in multiple occupation by the conversion of a house or other building.

(3) If in the opinion of the authority the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in subsection (1) or (2), they may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to the authority to be necessary for that purpose.

(4) In exercise of the powers conferred by paragraphs (h) and (i) of subsection (1) the Secretary of State may specify requirements generally or for particular cases, and may specify different requirements for different areas.

Commencement Information

I8 S. 27 wholly in force; s. 27 not in force at Royal Assent see s. 150; s. 27 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 27 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

Marginal Citations
M14 1985 c. 68.

28 HMO grants: approval of application.

(1) The local housing authority may approve an application for an HMO grant if they think fit, subject to the following provisions.

(2) The authority shall not approve an application for an HMO grant unless they are satisfied that the works are necessary for one or more of the purposes set out in section 27(1) or (2).

(3) Where an authority entertain an application for an HMO grant made by a person who proposes to acquire a qualifying owner's interest, they shall not approve the application until they are satisfied that he has done so.

(4) An authority proposing to approve an application for an HMO grant shall consider whether the house to which the application relates is fit for human habitation and meets the requirements in section 352(1A) of the [M15]Housing Act 1985.

(5) If it appears to the authority that the house is not fit for human habitation or does not meet those requirements, they shall not approve the application unless they are satisfied—
   (a) that on completion of the relevant works, together with any other works proposed to be carried out, the house will be fit for human habitation and meet those requirements,
   (b) that there are satisfactory financial and other arrangements for carrying out those works, and
   (c) that the carrying out of the works is the most satisfactory course of action.

(6) In considering whether to approve an application for an HMO grant the local housing authority shall have regard to the expected life of the house (taking account, where appropriate, of the effect of carrying out the works).

Marginal Citations
M15 1985 c. 68.

Restrictions on grant aid

29 Restriction on grants for works already begun.

(1) Subject as follows, a local housing authority shall not approve an application for a grant if the relevant works have been begun before the application is approved.

(2) Where the relevant works have been begun but have not been completed, the authority may approve the application for a grant if they are satisfied that there were good reasons for beginning the works before the application was approved.

(3) Where an authority decide to approve an application in accordance with subsection (2), they may, with the consent of the applicant, treat the application as varied so that the relevant works do not include any that are completed.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

But in determining for the purposes of the application the physical condition of the dwelling, common parts or house or other building concerned, they shall consider the condition of the premises at the date of the application.

(4) Subject as follows, a local housing authority shall not approve an application for a grant if the relevant works have been completed.

(5) Nothing in this section applies to an application for a grant in respect of works necessary—
  (a) to render a dwelling fit for human habitation or to comply with a notice under section 189 or 190 of the Housing Act 1985 (repair notices), or
  (b) to enable a house in multiple occupation to meet one or more of the requirements in section 352(1A) of that Act (fitness for the number of occupants) or to comply with a notice under that section.

(6) If the local housing authority consider that the relevant works include works in addition to those necessary for the purposes mentioned in subsection (5)(a) or (b), they shall treat the application as an application to which this section applies so far as it relates to those additional works.

30 Means testing in case of application by owner-occupier or tenant.

(1) This section applies—
  (a) to an application for a renovation grant which is—
    (i) an owner's application accompanied by an owner-occupation certificate, or
    (ii) a tenant's application; and
  (b) to any application for a disabled facilities grant.

(2) An owner's application for a renovation grant shall be treated as falling within this section if it is a conversion application for the provision of two or more dwellings and any of the certificates accompanying the application is an owner-occupation certificate.

(3) If in the case of an application for a renovation grant to which this section applies the financial resources of the applicant exceed the applicable amount, the amount of any grant which may be paid shall, in accordance with regulations, be reduced from what it would otherwise have been.

(4) If in the case of an application for a disabled facilities grant the financial resources of any person of a description specified by regulations exceed the applicable amount, the amount of any grant which may be paid shall, in accordance with regulations, be reduced from what it would otherwise have been.

(5) Provision may be made by regulations—
  (a) for the determination of the amount which is to be taken to be the financial resources of any person,
  (b) for the determination of the applicable amount referred to in subsection (3) or (4), and
  (c) as to circumstances in which the financial resources of a person are to be assumed (by reason of his receiving a prescribed benefit or otherwise) not to exceed the applicable amount.

(6) Regulations may, in particular—

(a) make provision for account to be taken of the income, assets, needs and outgoings not only of the person himself but also of his spouse, any person living with him or intending to live with him and any person on whom he is dependent or who is dependent on him;

(b) make provision for amounts specified in or determined under the regulations to be taken into account for particular purposes.

(7) Regulations may apply for the purposes of this section, subject to such modifications as may be prescribed, any other statutory means-testing regime as it has effect from time to time.

(8) Regulations may make provision requiring any information or evidence needed for the determination of any matter under this section to be furnished by such person as may be prescribed.

(9) In this section "regulations" means regulations made by the Secretary of State with the consent of the Treasury.

Commencement Information

I9 S. 30 wholly in force; s. 30 not in force at Royal Assent see s. 150; s. 30 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 30 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

31 Determination of amount of grant in case of landlord's application.

(1) This section applies to—

(a) an owner's application for a renovation grant which is accompanied by a certificate of intended letting (not being an application which falls within section 30: see subsection (2) of that section),

(b) a landlord's application for a common parts grant,

(c) a landlord's application for a disabled facilities grant, and

(d) any application for an HMO grant.

(2) The reference in subsection (1)(c) to a landlord's application for a disabled facilities grant is to an owner's application in respect of works to a dwelling which is or is intended to be let, or to the common parts of a building in which a flat is or is intended to be let.

(3) The amount of the grant (if any) shall be determined by the local housing authority, having regard to—

(a) the extent to which the landlord is able to charge a higher rent for the premises because of the works, and

(b) such other matters as the Secretary of State may direct.

(4) The authority may, if they think it appropriate, seek and act upon the advice of rent officers as to any matter.

(5) The Secretary of State may by regulations make provision requiring any information or evidence needed for the determination of any matter under this section to be furnished by such person as may be prescribed.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

Commencement Information

I10 S. 31 wholly in force; s. 31 not in force at Royal Assent see s. 150; s. 31 in force for certain purposes at 13.11.1996 by S.I. 1996/2842, **art. 2**; s. 31 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

32 Apportionment in case of tenants' application for common parts grant.

(1) This section applies where a local housing authority approve a tenants' application for a common parts grant.

(2) The local housing authority shall decide how much of the cost of the relevant works is attributable to the applicants ("the attributable cost").

(3) For the purposes of this section the attributable cost is an amount equal to the following proportion of the cost of the relevant works—

(a) if it can be ascertained, the proportion that the aggregate of the respective liabilities of each of the applicants to carry out or contribute to the carrying out of the relevant works bears to the aggregate of all such liabilities on the part of all persons (including the applicants) so liable; or

(b) if the proportion mentioned in paragraph (a) cannot be ascertained, the proportion that the number of applicants bears to the number of persons (including the applicants) liable to carry out or contribute to the carrying out of works to the building.

(4) The local housing authority shall then apportion the attributable cost to each of the applicants—

(a) in a case where the attributable cost is calculated by reference to the proportion mentioned in subsection (3)(a), according to the proportion that his liabilities to carry out or contribute to the carrying out of the relevant works bears to the aggregate of the applicants' liabilities mentioned in that paragraph; or

(b) in a case where the attributable cost is calculated by reference to the proportion mentioned in subsection (3)(b), equally.

(5) The amount of the grant payable shall be the aggregate of the grants that would be payable to each of the applicants under section 30 or, in the case of a participating landlord, under section 31 if each of the applicants was an individual applicant in respect of his portion of the attributable cost.

(6) Where the interest of an occupying tenant is held jointly by two or more persons, those persons shall be regarded as a single person for the purposes of this section.

33 Power to specify maximum amount of grant.

(1) The Secretary of State may, if he thinks fit, by order specify a maximum amount or a formula for calculating a maximum amount of grant which a local housing authority may pay in respect of an application for a grant.

(2) An order under this section may make different provision for different types of grant, or for the same type of grant in different circumstances.

(3) In relation to an application for a grant in respect of works for any of the purposes in section 23(1) (mandatory disabled facilities grant), the order may—

(a) provide for a maximum amount of grant to be paid if the application is approved, and

(b) authorise the local housing authority, if they think fit, to pay a further amount in excess of that maximum but subject to such other maximum (if any) as may be specified in or determined in accordance with the order.

(4) An authority may not, except as mentioned in subsection (3), pay an amount of grant in excess of a specified maximum amount.

Commencement Information

I11 S. 33 wholly in force; s. 33 not in force at Royal Assent see s. 150; s. 33 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 33 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

Decision and notification

34 Decision and notification.

(1) A local housing authority shall by notice in writing notify an applicant for a grant as soon as reasonably practicable, and, in any event, not later than six months after the date of the application concerned, whether the application is approved or refused.

(2) Where an authority decide to approve an application for a grant, they shall determine—

(a) which of the relevant works are eligible for grant (in this Chapter referred to as "the eligible works"),

(b) the amount of the expenses which in their opinion are properly to be incurred in the execution of the eligible works,

(c) the amount of the costs which in their opinion have been properly incurred, or are properly to be incurred, with respect to preliminary or ancillary services and charges, and

(d) the amount of grant they have decided to pay, taking into account all the relevant provisions of this Chapter.

The total of the amounts referred to in paragraphs (b) and (c) is referred to in this Chapter as "the estimated expense".

(3) If the authority notify the applicant under subsection (1) that the application is approved, they shall specify in the notice—

(a) the eligible works,

(b) the amounts referred to in subsection (2)(b) and (c), and how those amounts have been calculated, and

(c) the amount of the grant.

(4) If the authority notify the applicant under subsection (1) that the application is refused, they shall at the same time notify him of the reasons for the refusal.

(5) If after an application for a grant has been approved the authority are satisfied that owing to circumstances beyond the control of the applicant—

(a) the eligible works cannot be, or could not have been, carried out on the basis of the amount of expenses referred to in subsection (2)(b),

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(b) the amount of the costs which have been or are to be incurred as mentioned in subsection (2)(c) has increased, or

(c) the eligible works cannot be, or could not have been, carried out without carrying out additional works which could not have been reasonably foreseen at the time the application was made,

the authority may re-determine the estimated expense and the amount of the grant.

(6) Where an application for a grant is approved, the local housing authority may not impose any condition in relation to the approval or payment of the grant, except—

(a) as provided by the following provisions of this Chapter, or

(b) with the consent of the Secretary of State;

and this applies whether the condition purports to operate as a condition, a personal covenant or otherwise.

Payment of grants

35 Payment of grants: general.

(1) Where the local housing authority have approved an application for a grant, they shall pay the grant, subject to the following provisions of this Chapter.

(2) The grant may be paid—

(a) in whole after the completion of the eligible works, or

(b) in part by instalments as the works progress and the balance after completion of the works.

(3) Where a grant is paid by instalments, the aggregate of the instalments paid before the completion of the eligible works shall not at any time exceed nine-tenths of the amount of the grant.

36 Delayed payment of mandatory grant.

(1) Where the local housing authority are obliged to approve an application for a grant under section 24(1)(a) (mandatory disabled facilities grant), they may do so on terms that payment of the grant, or part of it, will not be made before a date specified in the notification of their decision on the application.

(2) That date shall not be more than twelve months, or such other period as may be specified by order of the Secretary of State, after the date of the application.

37 Payment of grants: conditions as to carrying out of the works.

(1) It is a condition of payment of every grant that the eligible works are carried out within twelve months from—

(a) the date of approval of the application concerned, or

(b) where section 36 applies (delayed payment of mandatory grant), the date specified in the notification of the authority's decision,

or, in either case, such further period as the local housing authority may allow.

(2) The authority may, in particular, allow further time where they are satisfied that the eligible works cannot be, or could not have been, carried out without carrying out

other works which could not have been reasonably foreseen at the time the application was made.

(3) In approving an application for a grant a local housing authority may require as a condition of payment of the grant that the eligible works are carried out in accordance with such specifications as they determine.

(4) The payment of a grant, or part of a grant, is conditional upon—
  (a) the eligible works or the corresponding part of the works being executed to the satisfaction of the authority, and
  (b) the authority being provided with an acceptable invoice, demand or receipt for payment for the works and any preliminary or ancillary services or charges in respect of which the grant or part of the grant is to be paid.

For this purpose an invoice, demand or receipt is acceptable if it satisfies the authority and is not given by the applicant or a member of his family.

38 Payment of grants: conditions as to contractors employed.

(1) It is a condition of payment of every grant, unless the local housing authority direct otherwise in any particular case, that the eligible works are carried out by the contractor whose estimate accompanied the application or, where two or more estimates were submitted, by one of those contractors.

(2) The Secretary of State may by regulations make provision as to the establishing and maintaining by local housing authorities of lists of contractors approved by them for the purpose of carrying out grant-aided works.

(3) The regulations may provide that it shall be a condition of payment of every grant by a local housing authority by whom such a list is maintained that, except in such cases as may be prescribed and unless the local housing authority direct otherwise in any particular case, the eligible works are carried out by a contractor who is on the authority's list of approved contractors.

39 Payment of grant to contractor.

(1) The local housing authority may pay a grant or part of a grant—
  (a) by payment direct to the contractor, or
  (b) by delivering to the applicant an instrument of payment in a form made payable to the contractor.

They shall not do so unless the applicant was informed before the grant application was approved that this would or might be the method of payment.

(2) Where an amount of grant is payable, but the works in question have not been executed to the satisfaction of the applicant, the local housing authority may at the applicant's request and if they consider it appropriate to do so withhold payment from the contractor.

If they do so, they may make the payment to the applicant instead.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

40 Applicant ceasing to be entitled before payment of grant.

(1) This section applies where an application for a grant is approved but before the certified date the applicant ceases to be a person entitled to a grant of that description.

In the case of a joint application this section does not apply unless all the applicants cease to be so entitled.

(2) Where this section applies—

(a) in the case of a renovation grant, disabled facilities grant or HMO grant, no grant shall be paid or, as the case may be, no further instalments shall be paid, and

(b) in the case of a common parts grant approved on a landlord's application, the local housing authority may refuse to pay the grant or any further instalment,

and the authority may demand that any instalment of the grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the authority may determine.

(3) For the purposes of this section an applicant ceases to be a person entitled to a renovation grant—

(a) in the case of an owner's application—

(i) if he ceases to have a qualifying owner's interest, or

(ii) if he ceases to have the intention specified in the owner-occupation certificate or certificate of intended letting which accompanied the application;

(b) in the case of a tenant's application—

(i) if he ceases to be a qualifying tenant of the dwelling, or

(ii) if the application was accompanied by a certificate of intended letting and the landlord ceases to have the intention specified in the certificate; or

(c) if the application was approved under section 13(5) (approval of grant in respect of works to unfit premises) and the authority cease to be satisfied of the matters mentioned in that provision.

(4) For the purposes of this section an applicant ceases to be a person entitled to a disabled facilities grant—

(a) in the case of an owner's application—

(i) if he ceases to have a qualifying owner's interest, or

(ii) if he ceases to have the intention specified in the owner's certificate which accompanied the application;

(b) in the case of a tenant's application—

(i) if he ceases to be a qualifying tenant of the dwelling, or

(ii) if the application was accompanied by an owner's certificate and the landlord ceases to have the intention specified in the certificate.

But if the case falls within section 41 (change of circumstances affecting disabled occupant), the authority shall act under that section.

(5) For the purposes of this section an applicant ceases to be a person entitled to an HMO grant—

(a) if he ceases to have a qualifying owner's interest in the house;

(b) if he ceases to have the intention specified in the certificate of future occupation which accompanied the application; or

(c) if the application was approved under section 28(5) (approval of grant in respect of works to unfit premises) and the authority cease to be satisfied of the matters mentioned in that provision.

(6) For the purposes of this section an applicant whose application is a landlord's application for a common parts grant ceases to be a person entitled to a grant—

(a) if he ceases to have an owner's interest in the building;

(b) if he ceases to have a duty or power to carry out the relevant works; or

(c) if the application was approved under section 18(4) (approval of grant in respect of works to unfit premises) and the authority cease to be satisfied of the matters mentioned in that provision.

(7) This section has effect subject to section 56 (provisions relating to death of applicant).

41 Change of circumstances affecting disabled occupant.

(1) This section applies where an application for a disabled facilities grant has been approved and before the certified date—

(a) the works cease to be necessary or appropriate to meet the needs of the disabled occupant, or

(b) the disabled occupant ceases to occupy the dwelling or flat concerned or it ceases to be the intention that he should occupy it, or

(c) the disabled occupant dies.

Where the application related to more than one disabled occupant, this section applies if any of paragraphs (a) to (c) applies in relation to any of them.

(2) This section applies whether or not the disabled occupant (or any of them) is the applicant (or one of them).

(3) Where this section applies the local housing authority may take such action as appears to them appropriate and may decide—

(a) that no grant shall be paid or, as the case may be, no further instalments shall be paid,

(b) that the relevant works or some of them should be completed and the grant or an appropriate proportion of it paid, or

(c) that the application should be redetermined in the light of the new circumstances.

(4) In making their decision the authority shall have regard to all the circumstances of the case.

(5) If the authority decide that no grant shall be paid or that no further instalments shall be paid, they may demand that any instalment of the grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the authority may determine.

42 Cases in which grants may be re-calculated, withheld or repaid.

(1) This section applies where an application for a grant has been approved by the local housing authority and—

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(a) the authority ascertain that the amount was determined under section 30 or 31 on the basis of inaccurate or incomplete information and exceeds that to which the applicant was entitled;

(b) the authority ascertain that without their knowledge the eligible works were started before the application was approved;

(c) the eligible works are not completed to the satisfaction of the authority within the period specified under section 37(1), or such extended period as they may allow under that provision;

(d) the authority ascertain that the aggregate of the cost of completing the eligible works and the costs incurred with respect to preliminary or ancillary services and charges, is or is likely to be lower than the estimated expense; or

(e) the authority ascertain that without their knowledge the eligible works were carried out otherwise than as required by section 38 (conditions as to contractors employed).

(2) Where this section applies, the authority may—

(a) refuse to pay the grant or any further instalment of grant which remains to be paid, or

(b) make a reduction in the grant which, in a case falling within subsection (1)(d), is to be a reduction proportionate to the reduction in the estimated expense;

and they may demand repayment by the applicant forthwith, in whole or part, of the grant or any instalment of the grant paid, together with interest at such reasonable rate as the authority may determine from the date of payment until repayment.

43 Repayment where applicant not entitled to grant.

(1) This section applies where an application for a grant is approved but it subsequently appears to the local housing authority that the applicant (or, in the case of a joint application, any of the applicants) was not, at the time the application was approved, entitled to a grant of that description.

(2) Where this section applies—

(a) in the case of a renovation grant, disabled facilities grant or HMO grant, no grant shall be paid or, as the case may be, no further instalments shall be paid, and

(b) in the case of a common parts grant approved on a landlord's application, the local housing authority may refuse to pay the grant or any further instalment,

and the authority may demand that any grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the authority may determine.

(3) For the purposes of this section an applicant is not entitled to a renovation grant—

(a) in the case of an owner's application if—

(i) he does not have a qualifying owner's interest, or

(ii) he does not have the intention specified in the owner-occupation certificate or certificate of intended letting which accompanied the application; or

(b) in the case of a tenant's application if—

(i) he is not a qualifying tenant of the dwelling, or

(ii) if the application was accompanied by a certificate of intended letting and the landlord does not have the intention specified in the certificate.

(4) For the purposes of this section an applicant is not entitled to a disabled facilities grant—

(a) in the case of an owner's application—

(i) if he does not have a qualifying owner's interest, or

(ii) if he does not have the intention specified in the owner's certificate which accompanied the application; or

(b) in the case of a tenant's application—

(i) if he is not a qualifying tenant of the dwelling, or

(ii) if the application was accompanied by an owner's certificate and the landlord does not have the intention specified in the certificate.

(5) For the purposes of this section an applicant is not entitled to an HMO grant—

(a) if he does not have a qualifying owner's interest in the house; or

(b) if he does not have the intention specified in the certificate of future occupation which accompanied the application.

(6) For the purposes of this section an applicant whose application is a landlord's application for a common parts grant is not entitled to a grant—

(a) if he does not have an owner's interest in the building; or

(b) if he does not have a duty or power to carry out the relevant works.

Grant conditions and repayment

44 Grant conditions: introductory.

(1) The following sections 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 any of those sections.

(2) Except as otherwise provided—

(a) the grant conditions as to repayment on disposal (sections 45 to 47) have effect from the date on which the application is approved until the end of the grant condition period;

(b) the grant conditions as to occupation (sections 48 to 50) have effect from the certified date until the end of the grant condition period; and

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

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(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 the following sections.

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

Commencement Information

I12 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.

(1) It is a condition of a renovation grant that if an owner of the premises to which the application relates makes a relevant disposal (other than an exempt disposal)—

(a) of the whole or part of the premises to which the application relates,

(b) after any instalment of grant has been paid, and

(c) before the certified date,

he shall repay to the local housing authority on demand the amount of grant that has been paid.

(2) It is a condition of a renovation grant that if an owner of the dwelling to which the application relates or, in the case of a conversion application, any dwelling provided by the relevant works, makes a relevant disposal (other than an exempt disposal)—

(a) of the whole or part of the dwelling,

(b) on or after the certified date, and

(c) before the end of the grant condition period,

he shall repay to the local housing authority on demand the amount of grant that has been paid.

In the case of a conversion application the grant shall be treated for this purpose as apportioned equally between the dwellings provided.

(3) A condition under this section is a local land charge and is binding on any person who is for the time being an owner of the premises concerned.

(4) Where the authority have the right to demand repayment of an amount as mentioned in subsection (1) or (2), they may—

(a) if the case falls within subsection (5), or

(b) in any other case, with the consent of the Secretary of State,

determine not to demand payment or to demand a lesser amount.

(5) The cases referred to in subsection (4)(a) are where the authority are satisfied that the owner of the dwelling—

(a) is elderly or infirm and is making the disposal with the intention—

(i) of going to live in a hospital, hospice, sheltered housing, residential care home or similar institution as his only or main residence, or

(ii) of moving to somewhere where care will be provided by any person; or

(b) is making the disposal with the intention of going to live with and care for an elderly or infirm member of his family or his partner's family.

(6) Any condition under this section shall cease to be in force with respect to any premises if there is a relevant disposal of the premises that is an exempt disposal, other than—

(a) a disposal within section 54(1)(a) (disposal to associates of person making disposal), or

(b) a disposal within section 54(1)(b) (vesting under will or on intestacy).

Commencement Information

I13 S. 45 wholly in force; s. 45 not in force at Royal Assent see s. 150; s. 45 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 45 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

46 Condition for repayment on disposal: common parts grants.

(1) It is a condition of a common parts grant approved on a landlord's application that if the applicant makes a relevant disposal (other than an exempt disposal)—

(a) of the whole or part of the building,

(b) after any instalment of grant has been paid, and

(c) before the certified date,

he shall repay to the local housing authority on demand the amount of grant that has been paid.

(2) It is a condition of a common parts grant approved on a landlord's application that if the applicant makes a relevant disposal (other than an exempt disposal)—

(a) of the whole or part of the building,

(b) on or after the certified date, and

(c) before the end of the grant condition period,

he shall repay to the local housing authority on demand the amount of grant that has been paid.

(3) A condition under this section is a local land charge and is binding on any person who is for the time being a successor in title to the interest in the building by virtue of which the applicant made his application.

(4) Where the authority have the right to demand repayment of an amount as mentioned in subsection (1) or (2), they may, with the consent of the Secretary of State, determine not to demand payment or to demand a lesser amount.

(5) Any condition under this section shall cease to be in force with respect to any premises if there is a relevant disposal of the premises that is an exempt disposal.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

Commencement Information

I14 S. 46 wholly in force; s. 46 not in force at Royal Assent see s. 150; s. 46 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 46 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

47 Condition for repayment on disposal: HMO grants.

(1) It is a condition of an HMO grant that if an owner of the house makes a relevant disposal (other than an exempt disposal)—
   (a) of the whole or part of the house,
   (b) after any instalment of grant has been paid, and
   (c) before the certified date,

   he shall repay to the local housing authority on demand the amount of grant that has been paid.

(2) It is a condition of an HMO grant that if an owner of the house makes a relevant disposal (other than an exempt disposal)—
   (a) of the whole or part of the house,
   (b) on or after the certified date, and
   (c) before the end of the grant condition period,

   he shall repay to the local housing authority on demand the amount of grant that has been paid.

(3) A condition under this section is a local land charge and is binding on any person (other than a local housing authority or registered social landlord) who is for the time being an owner of the house.

(4) Where the authority have the right to demand repayment of an amount as mentioned in subsection (1) or (2), they may, with the consent of the Secretary of State, determine not to demand payment or to demand a lesser amount.

(5) Any condition under this section shall cease to be in force with respect to any premises if there is a relevant disposal of the premises that is an exempt disposal.

Commencement Information

I15 s. 47 wholly in force; s. 47 not in force at Royal Assent see s. 150; s. 47 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 47 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

48 Condition as to owner-occupation: renovation grants.

(1) Where an application for a renovation grant was accompanied by an owner-occupation certificate in respect of any dwelling (see section 8(2)), it is a condition of the grant that throughout the grant condition period the dwelling is occupied in accordance with the intention stated in the certificate.

(2) It is also a condition of the grant that if at any time when that condition is in force the authority serve notice on the owner of the dwelling requiring him to do so, he will

within the period of 21 days beginning with the date on which the notice was served furnish to the authority a statement showing how that condition is being fulfilled.

(3) A condition under this section is a local land charge and is binding on any person who is for the time being an owner of the dwelling.

(4) In the event of a breach of a condition under this section, the owner for the time being of the dwelling shall on demand repay to the local housing authority the amount of the grant, together with compound interest on that amount as from the certified date, calculated at such reasonable rate as the authority may determine and with yearly rests.

(5) The local housing authority may determine not to make such a demand or to demand a lesser amount.

(6) Any condition under this section shall cease to be in force with respect to the dwelling if there is a relevant disposal of the dwelling that is an exempt disposal, other than—
   (a) a disposal within section 54(1)(a) (disposal to associates of person making disposal), or
   (b) a disposal within section 54(1)(b) (vesting under will or on intestacy).

49 Condition as to availability for letting: renovation grants.

(1) Where an application for a renovation grant was accompanied by a certificate of intended letting in respect of any dwelling (see section 8(3)), it is a condition of the grant that throughout the grant condition period the dwelling is let or available for letting in accordance with the intention stated in the certificate.

(2) It is also a condition of the grant that if at any time within the grant condition period the local housing authority by whom the grant was paid serve notice on the owner of the dwelling requiring him to do so, he will within the period of 21 days beginning on the date on which the notice was served furnish to the authority a statement showing how the condition in subsection (1) is being fulfilled.

(3) A condition under this section is a local land charge and is binding on any person (other than a local housing authority or registered social landlord) who is for the time being the owner of the dwelling.

(4) In the event of a breach of a condition under this section, the owner for the time being of the dwelling shall on demand repay to the local housing authority the amount of the grant, together with compound interest on that amount as from the certified date, calculated at such reasonable rate as the authority may determine and with yearly rests.

(5) The local housing authority may determine not to make such a demand or to demand a lesser amount.

(6) The terms of any tenancy of the dwelling (or any part of it, or any property including the dwelling or part of it) shall be deemed to include a duty on the part of the tenant, if required to do so by the owner of the dwelling, to furnish him with such information as he may reasonably require to enable him to comply with a notice under subsection (2).

50 Conditions as to occupation: HMO grants.

(1) It is a condition of an HMO grant that throughout the grant condition period—

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(a) the house is occupied or available for residential occupation in accordance with the intention stated in the certificate of future occupation that accompanied the application (see section 26(2)); and

(b) that the house is not so occupied as to cause—

(i) a breach of the duty under section 353A of the [M16]Housing Act 1985 (duty to keep premises fit for number of occupants), or

(ii) a breach of any direction given by the local housing authority under section 354 of that Act (power to limit number of occupants of house).

(2) It is also a condition of the grant that if at any time within the grant condition period the local housing authority by whom the grant was paid serve notice on the owner of the house requiring him to do so, he will within the period of 21 days beginning with the date on which the notice was served furnish to the authority a statement showing how the condition in subsection (1)(a) is being fulfilled.

(3) A condition under this section is a local land charge and is binding on any person (other than a local housing authority or registered social landlord) who is for the time being an owner of the house.

(4) In the event of a breach of a condition under this section, the owner for the time being of the dwelling shall on demand pay to the local housing authority the amount of the grant, together with compound interest on that amount as from the certified date, calculated at such reasonable rate as the authority may determine and with yearly rests.

(5) The local housing authority may determine not to make such a demand or to demand a lesser amount.

(6) The terms of any tenancy of any part of the house shall be deemed to include a duty on the part of the tenant, if required to do so by the owner of the house, to furnish him with such information as he may reasonably require to enable him to comply with a notice under subsection (2).

Marginal Citations

M16 1985 c. 68.

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;

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

I16 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, house or building, and

(b) such other persons (if any) as the authority may, with the consent of the Secretary of State, specify.

(3) The reference in subsection (2)(a) to the owner of the building shall be construed—

(a) in the case of a grant condition imposed on a landlord's application for a common parts grant, as a reference to the applicant or any successor in title to the interest in the building by virtue of which the applicant made his application;

(b) in the case of a grant condition imposed on an application for an HMO grant, as excluding a local housing authority or registered social landlord.

(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 sections 45 to 51.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

Commencement Information

I17 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.

(1) A disposal is a relevant disposal for the purposes of the provisions of this Chapter relating to grant conditions if it is—

(a) a conveyance of the freehold or an assignment of the lease, or

(b) the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent.

(2) For the purposes of subsection (1)(b) it shall be assumed—

(a) that any option to renew or extend a lease or sub-lease, whether or not forming part of a series of options, is exercised, and

(b) that any option to terminate a lease or sub-lease is not exercised.

(3) The grant of an option enabling a person to call for a relevant disposal shall be treated as such a disposal made to him.

54 Meaning of exempt disposal.

(1) A disposal is an exempt disposal for the purposes of the provisions of this Chapter relating to grant conditions if it is a disposal of the whole or part of the premises to which the application relates of any of the following descriptions—

(a) a conveyance of the freehold or an assignment of the lease where the person, or each of the persons, to whom it is made is a qualifying person (as defined in subsection (2));

(b) a vesting in a person taking under a will or on an intestacy;

(c) a disposal in pursuance of any such order as is mentioned in subsection (3);

(d) a compulsory disposal (see subsection (4));

(e) a disposal of property consisting of land included in the dwelling by virtue of section 184 of the [M17]Housing Act 1985 (land let with or used for the purposes of the dwelling-house);

(f) a disposal under which the interest of a person entitled to assistance by way of repurchase under Part XVI of that Act (assistance for owners of defective housing) is acquired in accordance with Schedule 20 to that Act;

(g) a disposal by way of enfranchisement or lease extension under Part I of the [M18]Leasehold Reform Act 1967;

(h) a disposal in pursuance of an obligation arising under Chapter I or II of Part I of the [M19]Leasehold Reform, Housing and Urban Development Act 1993;

(i) a disposal on the exercise of a right of first refusal under Part I of the [M20]Landlord and Tenant Act 1987 or in accordance with an acquisition order under Part III of that Act;

(j) a disposal on the exercise of—

(i) the right to buy under Part V of the [M21]Housing Act 1985, or

(ii) the right conferred by section 16 of the [M22]Housing Act 1996 (right of tenant of registered social landlord to acquire dwelling);

(k) a conveyance of the freehold or an assignment of the lease where—

(i) the person making the disposal is aged at least 70,

(ii) the disposal is to provide an annuity income, and

(iii) the person concerned is entitled to continue to occupy the premises as his only or main residence;

(l) a disposal of any other description specified by order of the Secretary of State for the purposes of this section.

(2) A person is a qualifying person for the purposes of subsection (1)(a) if—

(a) in the case of an individual, he is—

(i) the person, or one of the persons, by whom the disposal is made;

(ii) the spouse, or former spouse, of that person or one of those persons; or

(iii) a member of the family of that person or one of those persons; or

(b) in the case of a company, it is an associated company of the company by whom the disposal is made.

Section 416 of the [M23]Income and Corporation Taxes Act 1988 (meaning of associated company) applies in determining whether a company is an associated company of another for the purposes of paragraph (b).

(3) The orders referred to in subsection (1)(c) are orders under—

(a) section 24 or 24A of the [M24]Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings);

(b) section 2 of the [M25]Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate);

(c) section 17 of the [M26]Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, etc.); or

(d) paragraph 1 of Schedule 1 to the [M27]Children Act 1989 (orders for financial relief against parents).

(4) For the purposes of subsection (1)(d) a compulsory disposal is a disposal of property which is acquired compulsorily, or is acquired by a person who has made or would have made, or for whom another person has made or would have made, a compulsory purchase order authorising its compulsory purchase for the purposes for which it is acquired.

(5) The grant of an option enabling a person to call for an exempt disposal shall be treated as such a disposal made to him.

Marginal Citations

M17 1985 c. 68.
M18 1967 c. 88.
M19 1993 c. 28.
M20 1987 c. 31.
M21 1985 c. 68.
M22 1996 c. 52.
M23 1988 c. 1.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

M24 1973 c. 18.
M25 1975 c. 63.
M26 1984 c. 42.
M27 1989 c. 41.

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, house or building—

(a) the owner of the dwelling, house 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, house 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,

that grant condition and any other grant conditions shall cease to be in force with respect to that dwelling, house or building.

(2) In the case of a grant condition imposed on a landlord's application for a common parts grant the references in subsection (1)(a) and (b) to the owner of the building are to the applicant or any such successor in title as is referred to in section 46(3).

(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 [M28]Settled Land Act 1925,

[F3](b) . . . . . .

(c) section 26 of the [M29]Universities and College Estates Act 1925,

include the making of payments under this section.

Textual Amendments

F3 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**

Marginal Citations

M28 1925 c. 18.
M29 1925 c. 24.

Supplementary provisions

56 Provisions relating to death of applicant.

(1) References in this Chapter to the applicant, in relation to a grant or an application for a grant, shall be construed in relation to any time after his death as a reference to his personal representatives.

(2) Where the applicant dies after liability has been incurred for any preliminary or ancillary services or charges, the local housing authority may, if they think fit, pay grant in respect of some or all of those matters.

(3) Where the applicant dies after the relevant works have been begun and before the certified date, the local housing authority may, if they think fit, pay grant in respect of some or all of the works already carried out and other relevant works covered by the application.

(4) Nothing in this section shall be construed as preventing the provisions as to grant conditions applying in relation to any payment of grant under subsection (2) or (3).

57 Power of local housing authority to carry out works which would attract grant.

(1) A local housing authority may by agreement with a person having the requisite interest execute at his expense—
   (a) any works towards the cost of which a grant under this Chapter is payable or might be paid on an application duly made and approved, and
   (b) any further works which it is in their opinion necessary or desirable to execute together with the works mentioned in paragraph (a).

(2) Except in the case of a common parts grant, the "requisite interest" means a qualifying owner's interest for the purposes of a renovation grant, or an owner's interest for the purposes of a disabled facilities grant or HMO grant, as the case may be.

(3) In the case of a common parts grant, the reference in subsection (1) to a person having the requisite interest is a reference to the person who has—
   (a) an owner's interest in the building, or
   (b) such an interest in a flat in the building as is mentioned in section 14(2)(a) to (d) (occupying tenants),

   and has a power or duty to carry out the relevant works.

58 Minor definitions: Chapter I.

In this Chapter—

"common parts", in relation to a building, includes the structure and exterior of the building and common facilities provided, whether in the building or elsewhere, for persons who include the occupiers of one or more flats in the building;

"common parts application", in relation to an application for a disabled facilities grant, means an application in respect of works to the common parts of a building containing one or more flats;

"conversion application"—

(a) in relation to an application for a renovation grant, means an application in respect of works required for the provision of one or more dwellings by the conversion of a house or other building, and

(b) in relation to an application for an HMO grant, means an application for a grant in respect of works for the provision of a house in multiple occupation by the conversion of a house or other building;

"flat" means a dwelling which is a separate set of premises, whether or not on the same floor, divided horizontally from some other part of the building.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

59 Index of defined expressions: Chapter I.

In this Chapter the expressions listed below are defined by or otherwise fall to be construed in accordance with the provisions indicated—

certificate of future occupation (in relation to an application for an HMO grant)	section 26(2)
certificate of intended letting (in relation to an application for a renovation grant)	section 8(3)
certified date	section 44(3)(b)
common parts	section 58
common parts application (in relation to a disabled facilities grant)	section 58
common parts grant	section 1(3)
connected (with the owner of a dwelling)	section 98(2)
conversion application	section 58
disabled facilities grant	section 1(4)
disabled occupant	section 20
disabled person	section 100(1) to (3)
dwelling	section 101
elderly	section 101
eligible works	section 34(2)(a)
estimated expense	section 34(2)
exempt disposal	section 54
fit for human habitation	section 97(1)
flat	section 58
grant (without more)	section 1(6)
grant condition	section 44(1)
grant condition period	section 44(3)(a)
HMO grant	section 1(5)
house in multiple occupation	section 101
housing action trust	section 101
improvement	section 101
introductory tenant	section 101
landlord's application	
–in relation to a renovation grant	section 10(6)
–in relation to a common parts grant	section 15(1) and (2)

local authority	section 101
local housing authority	section 101
long tenancy	section 101
member of family	section 98(1)
new town corporation	section 101
occupying tenant (in relation to an application for a common parts grant)	section 14(2)
owner	sections 99 and 101
owner-occupation certificate (in relation to an application for a renovation grant)	section 8(2)
owner's application	
–in relation to a renovation grant	section 7(1) and (2)
–in relation to a disabled facilities grant	section 19(1) and (2)
owner's certificate (in relation to an application for a disabled facilities grant)	section 21(2)
owner's interest	section 101
participating landlord (in relation to a tenants' application for a common parts grant)	section 15(4)
partner	section 101
preliminary or ancillary services and charges	section 2(3)
prescribed	section 101
qualifying owner's interest	
–in relation to an application for a renovation grant	section 7(4)
–in relation to an application for a disabled facilities grant	section 19(4)
–in relation to an application for an HMO grant	section 25(3)
qualifying tenant	
–in relation to an application for a renovation grant	section 7(5)
–in relation to an application for a disabled facilities grant	section 19(4)
reasonable repair	section 96
registered social landlord	section 101
relevant disposal	section 53

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

relevant works (in relation to a grant application)	section 2(2)(a)
renewal area	section 101
renovation grant	section 1(2)
secure tenancy and secure tenant	section 101
social services authority	section 100(4)
statutory tenancy and statutory tenant	section 101
tenancy and tenant (generally)	section 101
tenant (and expressions relating to tenancies)	
–in the context of a tenant's application for a renovation grant	section 7(6)
–in the context of a certificate of intended letting	section 8(4)
–in the context of an application for a common parts grant	section 14(2)
–in the context of an application for disabled facilities grant	section 19(5)
tenant's application	
–in relation to a renovation grant	section 7(1) and (2)
–in relation to a disabled facilities grant	section 19(1) and (2)
tenants' application (in relation to a common parts grant)	section 15(1) and (2)
tenant's certificate	
–for the purposes of an application for a renovation grant	section 9(2)
–for the purposes of an application for a disabled facilities grant	section 22(2)
urban development corporation	section 101

CHAPTER II

GROUP REPAIR SCHEMES

Introductory

60 Group repair schemes.

(1) A local housing authority may prepare a scheme (a "group repair scheme") for the carrying out of works—

(a) to put in reasonable repair the exterior of the buildings to which the scheme relates, or

(b) to render the buildings to which the scheme relates structurally stable,

or for both those purposes.

(2) For the purposes of this Chapter "building" includes the whole or part of a terrace of houses or other units.

(3) The scheme must satisfy the requirements of sections 61 and 62 as to the buildings to which it relates and the works specified in it.

61 Qualifying buildings.

(1) The buildings to which a group repair scheme relates must be qualifying buildings.

(2) A building is a qualifying building if at the time the scheme is prepared it satisfies the conditions prescribed for qualifying buildings in relation to a group repair scheme.

(3) A group repair scheme must relate to at least one qualifying building which at the time the scheme is prepared satisfies the conditions prescribed for a primary building in relation to a group repair scheme.

(4) Each of the other qualifying buildings to which a group repair scheme relates must satisfy the conditions prescribed for an additional building in relation to a group repair scheme.

Commencement Information

I18 s. 61 wholly in force; s. 61 not in force at Royal Assent see s. 150; s. 61 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 61 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

62 Scheme works.

(1) The works specified in a group repair scheme ("scheme works") must be works of the following descriptions.

(2) In the case of works to put in reasonable repair the exterior of the buildings to which the scheme relates, the works must be—

(a) works to the exterior of the buildings to which the scheme relates, or

(b) so far only as may be necessary to give satisfactory effect to such works, additional works to other parts of the buildings,

and must be such that on completion of the works the exterior of the buildings will be in reasonable repair.

(3) In the case of works to render the buildings to which the scheme relates structurally stable, the works must be—

(a) works to the structure or to the foundations of the buildings to which the scheme relates, or

(b) other works necessary to give satisfactory effect to such works,

and must be such that on completion of the works the buildings will be structurally stable.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(4) For the purposes of this Chapter the exterior of a building means—

(a) any part of the building which is exposed to the elements of wind and rain or otherwise faces into the open air (including, in particular, roofs, chimneys, walls, doors, windows, rainwater goods and external pipework), and

(b) the curtilage of the building, including any wall within the curtilage which is constructed as a retaining wall or otherwise to protect the structure of the building.

(5) In relation to works to the curtilage of a building the reference in subsection (2)(b) to additional works to other parts of the building includes additional works on land outside the curtilage.

(6) For the purposes of this Chapter the exterior of a building shall not be regarded as in reasonable repair unless it is substantially free from rising or penetrating damp.

63 Approval of scheme by Secretary of State.

(1) If a group repair scheme prepared by a local housing authority is approved by the Secretary of State, the authority may, with the consent of the persons participating in the scheme, enter into agreements to secure the carrying out of the works specified in the scheme.

(2) The approval of the Secretary of State may be given either to a specific scheme or generally to schemes which fulfil such criteria as he may from time to time specify.

(3) Different criteria may be specified for different types of scheme and for different areas.

(4) The approval of a scheme may be made conditional upon compliance with requirements specified by the Secretary of State.

Commencement Information

I19 S. 63 wholly in force; s. 63 not in force at Royal Assent see s. 150; s. 63 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 63 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

Participation in group repair scheme

64 Persons eligible to participate in group repair scheme.

(1) A person is eligible to participate in a group repair scheme if at the date of the approval of the scheme—

(a) he has an owner's interest in a dwelling or other premises comprised in a building to which the scheme relates, and

(b) as respects the dwelling or other premises in which he has an owner's interest he either—

(i) is able to give possession of any part of the building to which scheme works are proposed to be carried out, or

(ii) has the consent of the occupier of that part to the carrying out of those works.

In the case of a scheme not submitted for specific approval, the date of approval shall be taken to be the date on which the authority decide that the scheme fulfils the criteria for general approval.

(2) A person eligible to participate in a group repair scheme may participate as an assisted participant—
   (a) if the owner's interest which he has is an interest in a dwelling and he gives an owner-occupation certificate or a certificate of intended letting, or
   (b) if the owner's interest which he has is an interest in a house in multiple occupation and he gives a certificate of future occupation.

This is subject to the exceptions specified in subsection (7) or by order under that subsection.

(3) An "owner-occupation certificate" certifies that the person concerned—
   (a) has an owner's interest in the dwelling, and
   (b) intends that throughout the protected period he, or a member of his family, will live in the dwelling, as his (or that member's) only or main residence.

(4) A "certificate of intended letting" certifies that the person concerned—
   (a) has an owner's interest in the dwelling, and
   (b) intends that throughout the protected period the dwelling will be let or available for letting as a residence and not for a holiday to someone other than a member of his family.

In paragraph (b) "letting" does not include a letting on a long tenancy.

(5) In subsection (4) references to letting include the grant of a licence to occupy premises.

References in this Chapter to tenants, and other expressions relating to tenancies, in the context of a certificate of intended letting, shall be construed accordingly.

(6) A "certificate of future occupation" certifies that the person concerned—
   (a) has an owner's interest in the house, and
   (b) intends that throughout the protected period the house or a part of it (specified in the certificate) will be residentially occupied, or available for residential occupation, under tenancies or licences by persons who are not connected with the owner for the time being of the house.

In paragraph (b) "residential occupation" does not include occupation for a holiday, and "tenancies" does not include a long tenancy.

(7) The following may not participate in a group repair scheme as an assisted participant—
   (a) a local authority;
   (b) a new town corporation;
   (c) the Development Board for Rural Wales;
   (d) a health authority, special health authority or NHS trust;
   [[F4](e) a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;**]**
   (f) a housing action trust;
   (g) a registered social landlord;

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(h) any other authority, body or other person excluded by order of the Secretary of State.

(8) An order under subsection (7)(h) may proceed wholly or in part by reference to the provisions relating to entitlement to housing benefit, or any other form of assistance, as they have effect from time to time.

(9) A person eligible to participate in a group repair scheme who is unable to participate as an assisted participant may participate as an unassisted participant.

Textual Amendments

F4 S. 64(7)(e) substituted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 90**; S.I. 1998/354, **art. 2(2)(ay)**

Commencement Information

I20 S. 64 wholly in force; s. 64 not in force at Royal Assent see s. 150; s. 64 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 64 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

65 Scheme consent and restriction on works.

(1) The persons who are eligible to participate in a group repair scheme do so by signifying consent ("scheme consent"), in accordance with the terms of the scheme, to the proposals to carry out the works specified in the scheme.

(2) No scheme works shall be carried out to a part of a building which consists of premises in respect of which no person eligible to participate has signified scheme consent, except as mentioned below.

(3) The restriction in subsection (2) does not apply to works carried out to premises in respect of which there is no person (or no ascertainable person) eligible to participate in the scheme.

(4) The restriction in subsection (2) does not apply to works—

(a) which are carried out to premises in respect of which the person eligible to participate consents to their being carried out but has not signified scheme consent (and, accordingly, is not liable to contribute), and

(b) which it is necessary to carry out in order satisfactorily to carry out any works specified in the scheme to another part of the same building in respect of which a person eligible to participate has signified scheme consent.

66 Certificate of completion date.

(1) When the works specified in a group repair scheme are completed, the local housing authority shall send to each assisted participant a certificate specifying the date on which the works were completed to the authority's satisfaction.

(2) In this Chapter that date is referred to as "the completion date".

67 Contributions by participants.

(1) The participants in a group repair scheme are liable to contribute to the cost, as notified to them under the scheme, of scheme works relating to the premises in which they have an interest, at a rate determined in accordance with this section.

(2) The cost of the works shall be apportioned between the several buildings and premises in such way as may be agreed between the participants with owner's interests in them or, in default of agreement, equally.

(3) In the case of an unassisted participant, the rate of contribution is 100 per cent.

(4) In the case of an assisted participant whose owner's interest is in premises other than a dwelling or house in multiple occupation, the rate of contribution is—

(a) 25 per cent. where the building is in a renewal area, and

(b) 50 per cent. in any other case.

The Secretary of State may by order amend paragraph (a) or (b) so as to specify a different percentage.

(5) In the case of any other assisted participant, the rate of contribution is a percentage determined by the local housing authority not exceeding that which would apply under subsection (4).

(6) In making their determination the authority shall have regard to the way in which—

(a) section 30 (means-testing in case of application by owner-occupier or tenant), or

(b) section 31 (determination of amount of grant in case of landlord's application),

would apply if he were an applicant for a renovation grant or, as the case may require, an HMO grant.

(7) They shall also have regard to any guidance given by the Secretary of State for the purposes of this section.

Different guidance may be given for different cases, different descriptions of cases and different areas and, in particular, with respect to different local housing authorities or descriptions of authority (including a description framed by reference to authorities in a particular area).

Commencement Information

I21 S. 67 wholly in force; s. 67 not in force at Royal Assent see s. 150; s. 67 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 67 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

Variation of group repair scheme

68 Variation of group repair scheme.

(1) A group repair scheme may be varied at any time before the completion date.

The variation may relate to the participants in the scheme, the buildings to which the scheme relates, the scheme works or any other matter.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(2) A variation is not effective unless approved by the Secretary of State.

The provisions of section 63(2) to (4) (supplementary provisions as to approval of scheme) apply to approval of a variation.

(3) Where a scheme is varied to enable other persons to participate, section 64 (persons eligible to participate) applies in relation to new participants with the substitution for the reference to the date of approval of the scheme of a reference to the date of approval of the variation.

In the case of a variation not submitted for specific approval, the date of approval shall be taken to be the date on which the authority decide that the variation fulfils the criteria for general approval.

(4) Before varying a group repair scheme the local housing authority shall consult the existing participants and consider any representations made by them.

(5) Fresh scheme consent is required in the case of an existing participant as to whom the authority are satisfied that his interests are adversely affected by the variation.

In any other case the existing scheme consent shall be treated as extended to the scheme as varied.

Commencement Information

I22 S. 68 wholly in force; s. 68 not in force at Royal Assent see s. 150; s. 68 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 68 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

Conditions of participation

69 Conditions of participation: general.

(1) The following sections have effect with respect to the conditions of participation in a group repair scheme as an assisted participant.

(2) Except as otherwise provided those conditions have effect for the period of five years, or such other period as may be prescribed, beginning with the completion date.

That period is referred to in this Chapter as “the protected period”.

(3) For the purposes of those conditions the “balance of the cost” is the difference between—

(a) the cost as notified to the participant under the scheme of such of the works specified in the scheme as relate to the premises in which his owner’s interest subsisted, and

(b) the amount of the contribution in respect of that cost paid by him by virtue of section 67.

70 Condition as to payment of balance of cost on disposal.

(1) It is a condition of participation in a group repair scheme as an assisted participant that if, at any time after signifying scheme consent and before the end of the protected

period, he makes a relevant disposal (other than an exempt disposal) of the premises in which he had an owner's interest at the date of the approval of the scheme, he shall pay to the local housing authority on demand the balance of the cost.

(2) The condition under this section is a local land charge and is binding on any person who is for the time being an owner of the premises concerned.

(3) Where the authority have the right to demand payment of an amount as mentioned in subsection (1), they may determine not to demand payment or to demand a lesser amount.

(4) The condition under this section shall cease to be in force with respect to any premises if there is a relevant disposal of the premises that is an exempt disposal, other than—
   (a) a disposal within section 54(1)(a) (disposal to associates of person making disposal), or
   (b) a disposal within section 54(1)(b) (vesting under will or on intestacy).

71 Conditions as to occupation.

(1) It is a condition of participation in a group repair scheme as an assisted participant—
   (a) where the participant gave an owner-occupation certificate, that throughout the protected period the dwelling is occupied in accordance with the intention stated in the certificate;
   (b) where the participant gave a certificate of intended letting, that throughout the protected period the dwelling is let or available for letting in accordance with the intention stated in the certificate; and
   (c) where the participant gave a certificate of future occupation, that throughout the protected period the house is residentially occupied, or available for residential occupation, in accordance with the intention stated in the certificate.

(2) It is also a condition of participation as an assisted participant that if at any time when any of the above conditions is in force the authority serve notice on the owner of the dwelling or house requiring him to do so, he will within the period of 21 days beginning with the date on which the notice was served furnish to the authority a statement showing how that condition is being fulfilled.

(3) A condition under this section is a local land charge and is binding on any person who is for the time being an owner of the dwelling or house.

(4) In the event of a breach of a condition under this section, the owner for the time being of the dwelling or house shall pay to the local housing authority on demand the balance of the cost.

(5) The local housing authority may determine not to make such a demand or may demand a lesser amount.

(6) Any condition under this section shall cease to be in force with respect to any premises if there is a relevant disposal of the premises which is an exempt disposal other than a disposal within section 54(1)(a) (disposal to associates of person making disposal).

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

72 Meaning of relevant disposal and exempt disposal.

Sections 53 and 54 (meaning of "relevant disposal" and "exempt disposal") apply for the purposes of this Chapter.

73 Payment of balance of cost, &c: cessation of conditions.

(1) If at any time while a condition of participation under section 70 or 71 remains in force—

(a) the assisted participant pays the balance of the cost to the local housing authority,

(b) a mortgagee of the interest of the assisted participant in the premises being a mortgagee entitled to exercise a power of sale, makes such a payment,

(c) the authority determine not to demand payment on the breach of a condition of participation, or

(d) the authority demand payment in whole or in part on the breach of a condition of participation and that demand is satisfied,

that condition and any other conditions of participation shall cease to be in force with respect to the premises of that assisted participant.

(2) 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.

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

(a) section 73 of the [M30]Settled Land Act 1925,

[F5](b) . . . . . .

(c) section 26 of the [M31]Universities and College Estates Act 1925,

include the making of payments under this section.

Textual Amendments

F5 S. 73(3)(b) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch. 4** (ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**

Marginal Citations

M30 1925 c. 18.

M31 1925 c. 24.

Supplementary provisions

74 Power of Secretary of State to modify operation of Chapter.

(1) If the Secretary of State so directs in the case of any scheme or any description of scheme, such of the preceding provisions of this Chapter as are specified in the direction shall not apply in relation to that scheme or, as the case may be, in relation to a scheme of that description.

(2) The power under this section to give directions may be so exercised as to make different provision with respect to different local housing authorities or descriptions of authority (including a description framed by reference to authorities in a particular area).

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

75 Index of defined expressions: Chapter II.

In this Chapter the expressions listed below are defined by or otherwise fall to be construed in accordance with the provisions indicated—

assisted participant	section 64(2) and (7)
balance of the cost (in relation to conditions of participation)	section 69(3)
building	section 60(2)
certificate of future occupation	section 64(6)
certificate of intended letting	section 64(4)
completion date	section 66(2)
connected (with the owner of a dwelling)	section 98(2)
dwelling	section 101
eligible to participate	section 64(1)
exempt disposal	section 72 (and section 54)
group repair scheme	section 60(1)
house in multiple occupation	section 101
housing action trust	section 101
local authority	section 101
local housing authority	section 101
long tenancy	section 101
member of family	section 98(1)
new town corporation	section 101
owner	sections 99 and 101
owner-occupation certificate	section 64(3)
owner's interest	section 101
prescribed	section 101
protected period (in relation to conditions of participation)	section 69(2)
reasonable repair	section 96
registered social landlord	section 101
relevant disposal	section 72 (and section 53)
renewal area	section 101
scheme consent	section 65(1)
scheme works	section 62
tenancy and tenant (generally)	section 101

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

tenant and related expressions (in the context of a certificate of intended letting)	section 64(5)
unassisted participant	section 64(9)

CHAPTER III

HOME REPAIR ASSISTANCE

76 Home repair assistance.

(1) A local housing authority may, on application being made to them, give assistance under this Chapter ("home repair assistance") in the form of a grant or the provision of materials for the carrying out of works of repair, improvement or adaptation to a dwelling.

(2) The Secretary of State may by order make provision as to the total amount or value of home repair assistance that may be given—
- (a) on any one application, or
- (b) in respect of the same dwelling in any period of three years.

(3) Home repair assistance shall not be given in respect of works—
- (a) for which a grant under Chapter I has been approved or in respect of which an application for a grant is pending, or
- (b) which are specified in a group repair scheme approved under Chapter II or prepared and awaiting the approval of the Secretary of State.

Commencement Information

I23 S. 76 wholly in force; s. 76 not in force at Royal Assent see s. 150; s. 76 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 76 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

77 Entitlement to home repair assistance.

(1) Subject to the following provisions of this section, a local housing authority shall not entertain an application for home repair assistance unless they are satisfied—
- (a) that the applicant is aged 18 or over on the date of the application,
- (b) that he lives in the dwelling as his only or main residence,
- (c) that he has an owner's interest in the dwelling, or is a tenant of the dwelling, alone or jointly with others,
- (d) that he has a duty or power to carry out the works in question, and
- (e) that he or his partner is in receipt of income support, family credit, housing benefit, council tax benefit or disability working allowance.

(2) In the case of an application in respect of works to adapt a dwelling to enable an elderly, disabled or infirm person to be cared for, the condition in subsection (1)(b) shall be treated as met if the elderly, disabled or infirm person (whether or not the applicant) lives or proposes to live in the dwelling as his only or main residence.

(3) For the purposes of the condition in subsection (1)(c) "tenant" includes—

(a) a secure tenant or statutory tenant,

(b) a protected occupier under the [M32]Rent (Agriculture) Act 1976 or a person in occupation under an assured agricultural occupancy within the meaning of Part I of the [M33]Housing Act 1988, and

(c) an employee (whether full-time or part-time) who occupies the dwelling or flat concerned for the better performance of his duties;

but does not include a tenant of an authority or body mentioned in section 3(2) (authorities and bodies not eligible to apply for grants under Chapter I).

(4) An application may be made by a person who does not satisfy the condition in subsection (1)(c) but who occupies the dwelling under a right of exclusive occupation granted for his life or for a period of more than five years.

But except in the case of—

(a) works to adapt a dwelling to enable an elderly, disabled or infirm person, who lives or proposes to live in the dwelling as his only or main residence, to be cared for,

(b) works relating to means of escape from fire or other fire precautions, or

(c) any works to a dwelling in a renewal area,

the local housing authority shall not entertain an application made by virtue of this subsection unless they are satisfied that the applicant has occupied the dwelling as his only or main residence for a period of at least three years immediately preceding the date of the application.

(5) The condition in subsection (1)(e) does not apply—

(a) to an applicant who is elderly, disabled or infirm, or

(b) to an application in respect of works to adapt a dwelling to enable an elderly, disabled or infirm person, who lives or proposes to live in the dwelling, to be cared for.

Marginal Citations

M32 1976 c. 80.

M33 1988 c. 50.

78 Assistance in respect of house-boats and mobile homes.

(1) Subject to the following provisions of this section, sections 76 and 77 (home repair assistance) apply in relation to a house-boat or mobile home as in relation to a dwelling.

(2) For the purposes of those sections as they apply in relation to a house-boat or mobile home, any person lawfully in occupation of the house-boat or mobile home shall be treated as a person with an owner's interest in or a tenant of a dwelling.

But except in the case of—

(a) works to adapt a house-boat or mobile home to enable an elderly, disabled or infirm person, who lives or proposes to live there as his only or main residence, to be cared for, or

(b) works relating to means of escape from fire or other fire precautions,

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

the local housing authority shall not entertain an application for home repair assistance unless the residence requirement is met.

(3) The residence requirement in the case of a house-boat is that the local housing authority are satisfied that—

(a) the applicant has occupied the boat as his only or main residence for a period of at least three years immediately preceding the date of the application;

(b) the boat has for that period had its only or main mooring in the same locality on an inland waterway or in marine waters within the boundary of the authority; and

(c) the applicant had a right to moor his boat there.

(4) The residence requirement in the case of a mobile home is that the local housing authority are satisfied that—

(a) the applicant has occupied the mobile home as his only or main residence for a period of at least three years immediately preceding the date of the application;

(b) the mobile home has for that period been on land forming part of the same protected site within the meaning of the [M34]Mobile Homes Act 1983; and

(c) the applicant occupied it under an agreement to which that Act applies or under a gratuitous licence.

(5) In this section—

"house-boat" means a boat or similar structure designed or adapted for use as a place of permanent habitation, and

"mobile home" means a caravan within the meaning of Part I of the [M35]Caravan Sites and Control of Development Act 1960 (disregarding the amendment made by section 13(2) of the [M36]Caravan Sites Act 1968),

which is a dwelling for the purposes of Part I of the [M37]Local Government Finance Act 1992 (council tax).

Marginal Citations

M34 1983 c. 34.
M35 1960 c. 62.
M36 1968 c. 52.
M37 1992 c. 14.

79 Power to make further provision by regulations.

(1) The Secretary of State may by regulations make provision as to—

(a) the manner of making an application for home repair assistance and the contents of such an application;

(b) the procedure for dealing with applications for home repair assistance and for ensuring that works are carried out to any standard specified in the regulations;

(c) the way in which the amount of home repair assistance to be given on any application is to be determined; and

(d) the taking into account (in such manner and to such extent as may be prescribed) of the financial circumstances of the applicant.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(2) The Secretary of State may by regulations make provision extending or restricting the availability of home repair assistance, by reference to such description of persons, circumstances or other factors as the Secretary of State thinks fit.

(3) Regulations under subsection (2) may proceed wholly or in part by reference to the provisions relating to entitlement to housing benefit, or any other form of assistance, as they have effect from time to time.

80 Index of defined expressions: Chapter III.

In this Chapter the expressions listed below are defined by or otherwise fall to be construed in accordance with the provisions indicated—

disabled person	section 100(1) to (3)
dwelling	section 101
elderly	section 101
home repair assistance	section 76(1)
improvement	section 101
local housing authority	section 101
owner's interest	section 101
partner	section 101
prescribed	section 101
renewal area	section 101
secure tenant	section 101
statutory tenant	section 101
tenancy and tenant (generally)	section 101

CHAPTER IV

DEFERRED ACTION NOTICES, &C.

Deferred action notices

81 Deferred action notices.

(1) If the local housing authority are satisfied that a dwelling-house or house in multiple occupation is unfit for human habitation, but are satisfied that serving a deferred action notice is the most satisfactory course of action, they shall serve such a notice.

(2) A deferred action notice is a notice—
  (a) stating that the premises are unfit for human habitation,
  (b) specifying the works which, in the opinion of the authority, are required to make the premises fit for human habitation, and

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(c) stating the other courses of action which are available to the authority if the premises remain unfit for human habitation.

(3) The notice becomes operative, if no appeal is brought, on the expiry of 21 days from the date of the service of the notice and is final and conclusive as to matters which could have been raised on an appeal.

(4) A deferred action notice which has become operative is a local land charge so long as it remains operative.

(5) The fact that a deferred action notice has been served does not prevent the local housing authority from taking any other course of action in relation to the premises at any time.

82 Service of deferred action notices.

(1) The local housing authority shall serve a deferred action notice—

(a) in the case of a notice relating to a dwelling-house, on the person having control of the dwelling-house as defined in section 207 of the [M38]Housing Act 1985;

(b) in the case of a notice relating to a house in multiple occupation, on the person having control of the house as defined in section 398 of that Act.

(2) Where the authority are satisfied that a dwelling-house which is a flat, or a flat in multiple occupation, is unfit for human habitation by virtue of section 604(2) of the Housing Act 1985, they shall also serve the notice on the person having control (as defined in section 207 of that Act) of the building or part of the building in question.

(3) In the case of a house in multiple occupation, the authority may serve the notice on the person managing the house instead of the person having control of the house.

(4) Where the authority serve a notice under subsection (1), (2) or (3)—

(a) they shall also serve a copy of the notice on any other person having an interest in the premises concerned, whether as freeholder, mortgagee or lessee (within the meaning of Part VI of the Housing Act 1985), and

(b) they may serve a copy of the notice on any person having a licence to occupy the premises.

(5) Section 617 of the Housing Act 1985 (service of notices) applies for the purpose of this section as it applies for the purpose of that Act.

Marginal Citations

M38 1985 c. 68.

83 Appeals against deferred action notices.

(1) A person aggrieved by a deferred action notice may within 21 days after the service of the notice appeal to the county court.

(2) Without prejudice to the generality of subsection (1), it is a ground of appeal that serving a notice under section 189 of the Housing Act 1985, or making a closing order

under section 264 of that Act or a demolition order under section 265 of that Act, is a more satisfactory course of action.

(3) Where the grounds on which an appeal is brought are or include that specified in subsection (2), the court, on the hearing of the appeal, shall have regard to any guidance given to the local housing authority under section 604A of the [M39]Housing Act 1985 or section 85 of this Act.

(4) On an appeal the court may make such order either confirming, quashing or varying the notice as it thinks fit.

(5) Where the appeal is allowed and the reason or one of the reasons for allowing the appeal is that serving a notice under section 189 of that Act or making a closing order under section 264 of that Act or a demolition order under section 265 of that Act is a more satisfactory course of action, the judge shall, if requested to do so by the appellant or the local housing authority, include in his judgment a finding to that effect.

(6) If an appeal is brought, the deferred action notice does not become operative until—

(a) a decision on the appeal confirming the notice (with or without variation) is given and the period within which an appeal to the Court of Appeal may be brought expires without any such appeal having been brought, or

(b) if a further appeal to the Court of Appeal is brought, a decision on that appeal is given confirming the notice (with or without variation);

and for this purpose the withdrawal of an appeal has the same effect as a decision confirming the notice or decision appealed against.

Modifications etc. (not altering text)

C2 S. 83(2) amended (17.12.1996) by S.I. 1996/2885, **art. 4(1)**

Marginal Citations

M39 1985 c. 68.

84 Review of deferred action notices.

(1) The local housing authority may at any time review any deferred action notice served by them, and they shall do so not later than two years after the notice becomes operative and at intervals of not more than two years thereafter.

The Secretary of State may by order amend this subsection so as to specify such other period or periods as he considers appropriate.

(2) The authority shall for the purposes of any such review inspect the premises concerned.

For this purpose sections 197 (powers of entry) and 198 (penalty for obstruction) of the Housing Act 1985 apply as they apply for the purposes of Part VI of that Act.

(3) If the authority are satisfied that the deferred action notice remains the most satisfactory course of action, they shall renew the notice and serve notice of their decision.

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(4) The provisions of section 82 (service of deferred action notice) and section 83(1) to (5) (appeals against deferred action notices) apply in relation to the authority's decision to renew a deferred action notice as in relation to the original notice.

(5) If an appeal is brought against the decision to renew a deferred action notice, the notice remains operative until any decision on the appeal, or any further appeal, quashing or varying the notice.

(6) If the authority take action in relation to the premises under any of the provisions listed in section 604A(1) of the Housing Act 1985, the deferred action notice shall cease to be operative on the relevant notice, order or declaration becoming operative.

85 Guidance by Secretary of State.

(1) In deciding for the purposes of section 81 (deferred action notices) or section 84 (review of deferred action notices) what is the most satisfactory course of action in relation to any premises, the local housing authority shall have regard to such guidance as may from time to time be given by the Secretary of State.

(2) The provisions of section 604A(2) to (4) of the [M40]Housing Act 1985 (supplementary provisions as to guidance) apply in relation to such guidance.

Commencement Information

I24 S. 85 wholly in force; s. 85 not in force at Royal Assent see s. 150; s. 85 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 85 in force insofar as not already in force at 17.12.1997 by S.I. 1997/2842, **art. 3**

Marginal Citations

M40 1985 c. 68.

Power to improve enforcement procedures

86 Unfitness for human habitation &c.: power to improve enforcement procedures.

(1) The Secretary of State may by order provide that a local housing authority shall act as specified in the order before taking action of any of the following kinds—

(a) serving a deferred action notice under section 81 or renewing such a notice under section 84;

(b) serving a notice under section 189 of the Housing Act 1985 (repair notice in respect of house which unfit for human habitation);

(c) serving a notice under section 190 of that Act (repair notice in respect of house in state of disrepair but not unfit for human habitation);

(d) making a closing order under section 264 of that Act;

(e) making a demolition order under section 265 of that Act.

(2) An order under this section may provide that the authority—

(a) shall as soon as practicable give to the person against whom action is intended a written notice which satisfies the requirements of subsection (3); and

(b) shall not take any action against him until after the end of such period beginning with the giving of the notice as may be determined by or under the order.

(3) A notice satisfies the requirements of this subsection if it—

(a) states the nature of the remedial action which in the authority's opinion should be taken, and explains why and within what period;

(b) explains the grounds on which it appears to the authority that action might be taken as mentioned in subsection (1); and

(c) states the nature of the action which could be taken and states whether there is a right to make representations before, or a right of appeal against, the taking of such action.

(4) An order under this section may also provide that, before the authority takes any action against any person, they—

(a) shall give to that person a written notice stating—

(i) that they are considering taking the action and the reasons why they are considering it; and

(ii) that the person may, within a period specified in the notice, make written representations to them or, if the person so requests, make oral representations to them in the presence of a person determined by or under the order; and

(b) shall consider any representations which are duly made and not withdrawn.

(5) An order under this section may in particular—

(a) make provision as to the consequences of any failure to comply with a provision made by the order;

(b) contain provisions (including provisions modifying enactments relating to the periods within which proceedings must be brought) which are consequential upon, or supplemental or incidental to, the provisions made by the order.

(6) Nothing in any order made under this section shall—

(a) preclude a local housing authority from taking immediate action against any person, or from requiring any person to take immediate remedial action to avoid action being taken against him, in any case where it appears to them to be necessary to take such action or impose such a requirement; or

(b) require such an authority to disclose any information the disclosure of which would be contrary to the public interest.

Power to charge for enforcement action

87 Unfitness for human habitation, &c.: power to charge for enforcement action.

(1) A local housing authority may make such reasonable charge as they consider appropriate as a means of recovering certain administrative and other expenses incurred by them in taking action of any of the following kinds—

(a) serving a deferred action notice under section 81 or deciding to renew such a notice under section 84;

(b) serving a notice under section 189 of the [M41]Housing Act 1985 (repair notice in respect of house which unfit for human habitation);

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(c) serving a notice under section 190 of that Act (repair notice in respect of house in state of disrepair but not unfit for human habitation);
(d) making a closing order under section 264 of that Act;
(e) making a demolition order under section 265 of that Act.

(2) The expenses are, in the case of the service of a notice under section 81 of this Act or section 189 or 190 of the Housing Act 1985, the expenses incurred in—
(a) determining whether to serve the notice,
(b) identifying the works to be specified in the notice, and
(c) serving the notice.

(3) The expenses are, in the case of a decision to renew a notice under section 84 of this Act, the expenses incurred in—
(a) deciding whether to renew the notice, and
(b) serving notice of the authority's decision.

(4) The expenses are, in the case of a closing order under section 264 of the Housing Act 1985 or a demolition order under section 265 of that Act, the expenses incurred in—
(a) determining whether to make the order, and
(b) serving notice of the order.

(5) The amount of the charge shall not exceed such amount as is specified by order of the Secretary of State.

(6) Where a court allows an appeal against the underlying notice, decision or order mentioned in subsection (1), it may make such order as it thinks fit reducing, quashing or requiring the repayment of any charge under this section made in respect of the notice, decision or order.

Commencement Information
I25 S. 87 wholly in force; s. 87 not in force at Royal Assent see s. 150; s. 87 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 87 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

Marginal Citations
M41 1985 c. 68.

88 Recovery of charge for enforcement action.

(1) The following provisions have effect with respect to the recovery of a charge under section 87.

(2) The charge may be recovered by the authority concerned from—
(a) in the case of a notice under section 81 of this Act, or section 189 or 190 of the [M42]Housing Act 1985, any person on whom the notice is served;
(b) in the case of a renewal of a notice under section 84 of this Act, any person on whom notice of the decision to renew the notice is served;
(c) in the case of an order under section 264 or 265 of the Housing Act 1985, any person on whom notice of the order is served as an owner of the premises.

(3) A demand for payment of the charge shall be served on the person from whom the authority seeks to recover it.

(4) The demand becomes operative, if no appeal is brought against the underlying notice, decision or order, on the expiry of the period of 21 days from the service of the demand.

(5) The sum recoverable by the authority is, until recovered, a charge on the premises concerned; and—

(a) the charge takes effect when the demand becomes operative,

(b) the authority have for the purpose of enforcing the charge the same powers and remedies under the [M43]Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver, and

(c) the power of appointing a receiver is exercisable at any time after the expiration of one month from the date when the charge takes effect.

Marginal Citations

M42 1985 c. 68.

M43 1925 c. 20.

Supplementary provisions

89 Power to prescribe forms.

The Secretary of State may by regulations prescribe the form of and the particulars to be contained in—

(a) a deferred action notice, or a notice of an authority's decision to renew a deferred action notice, or

(b) a demand for payment of any charge under section 87 (power to charge for enforcement action).

90 Minor definitions: Chapter IV.

In this Chapter—

(a) "dwelling-house", "flat" and references to the owner of a dwelling-house or flat, have the same meaning as in Part VI of the Housing Act 1985 (repair notices); and

(b) "house in multiple occupation", "flat in multiple occupation" and references to the owner of or person managing such a house or flat, have the same meaning as in Part XI of that Act.

91 Index of defined expressions: Chapter IV.

In this Chapter the expressions listed below are defined by or otherwise fall to be construed in accordance with the provisions indicated—

deferred action notice	section 81
dwelling-house	section 90(a)

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

flat	section 90(a)
flat in multiple occupation	section 90(b)
house in multiple occupation	section 90(b)
local housing authority	section 101
owner	
–in relation to a dwelling-house or flat	section 90(a)
–in relation to a house or flat in multiple occupation	section 90(b)
person managing (a house or flat in multiple occupation)	section 90(b)
prescribed	section 101
unfit for human habitation	section 97

CHAPTER V

SUPPLEMENTARY PROVISIONS

Contributions by Secretary of State

92 Contributions by the Secretary of State.

(1) The Secretary of State may pay contributions to local housing authorities towards such expenditure incurred by them under this Part as he may determine.

(2) The rate or rates of the contributions, the calculation of the expenditure to which they relate and the manner of their payment shall be such as may be determined by the Secretary of State with the consent of the Treasury.

(3) A determination under subsection (1) or (2)—
- (a) may be made generally or with respect to a particular local housing authority or description of authority, including a description framed by reference to authorities in a particular area, and
- (b) may make different provision in relation to different cases or descriptions of case.

(4) Contributions under this section shall be payable subject to such conditions as to records, certificates, audit or otherwise as the Secretary of State may, with the approval of the Treasury, impose.

(5) If, before the declaration of a renewal area, a local housing authority are satisfied that the rate of contributions which, in accordance with a determination under subsection (2), would otherwise be applicable to the authority will not be adequate, bearing in mind the action they propose to take with regard to the area, they may, before making the declaration, apply to the Secretary of State for contributions at a higher rate in respect of that area.

(6) An application under subsection (5) shall be made in such form and shall contain such particulars as the Secretary of State may determine; and, if such an application is made, the authority shall not declare the area concerned to be a renewal area until the application is approved, refused or withdrawn.

(7) If an application under subsection (5) is approved, the Secretary of State may pay contributions under subsection (1) in respect of the area concerned at such higher rate as he may determine under subsection (2).

Commencement Information

I26 S. 92 wholly in force; s.92 not in force at Royal Assent see s. 150; s.92 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 92 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

93 Recovery of contributions.

(1) Where the Secretary of State has paid contributions under section 92 to a local housing authority, he may recover from the authority such amount as he determines to be appropriate in respect of repayments of grant under this Part.

(2) For the purposes of this section—

(a) a "grant" includes the cost of scheme works for a group repair scheme (see section 62(1)), and

(b) "repayment of grant" includes the payment to the authority of the balance of the cost (see section 69(3)) by assisted participants in such a scheme.

(3) The amount shall be calculated by reference to the amount appearing to the Secretary of State to represent his contribution to—

(a) grants in respect of which repayments have been made to the authority, or

(b) grants in respect of which repayments could have been recovered if reasonable steps had been taken by the authority,

together with an appropriate percentage of any interest received by the authority, or which would have been received if reasonable steps had been taken by the authority.

(4) The question what steps it would have been reasonable for the authority to take shall be determined by the Secretary of State.

In determining whether the authority took reasonable steps, the Secretary of State may consider whether the authority properly exercised its discretion not to demand repayment of grant or to demand payment of a lesser sum.

Consent of the Secretary of State

94 Consent of the Secretary of State.

The consent of the Secretary of State for the purposes of—

(a) section 45(4)(b), 46(4) or 47(4) (consent to waiver of liability to repay renovation grant, common parts grant or HMO grant on disposal), or

(b) section 34(6)(b), 44(3)(a), 51 or 52 (conditions imposed with consent of Secretary of State),

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

may be given either generally or in relation to any one or more specified authorities or descriptions of authority or in relation to particular cases or descriptions of case.

Parsonages, charities, &c.

95 Parsonages, charities, &c.

(1) The provisions of Chapter I (main grants) mentioned below do not apply to—
  (a) an application for a grant in respect of glebe land or the residence house of an ecclesiastical benefice, or
  (b) an application for a grant made by a charity or on behalf of a charity by the charity trustees of the charity.

(2) Those provisions are—
  (a) sections 7 to 11 (conditions for application for renovation grant);
  (b) sections 19, 21 and 22 (conditions for application for disabled facilities grant);
  (c) sections 25 and 26 (conditions for application for HMO grant).

(3) In considering under section 31 the amount (if any) of the grant where the applicant is a charity or the application is in respect of glebe land, the local housing authority shall have regard, in addition to the matters mentioned in that section, to any obligation or practice on the part of the applicant to let dwellings at a rent less than that which could be obtained on the open market.

(4) In Chapter II (group repair schemes), in section 64(2) (persons eligible to participate in group repair scheme as assisted participants), the requirement in paragraph (a) that a person give an owner-occupation certificate or a certificate of intended letting does not apply if—
  (a) the person concerned is a charity or the trustee of a charity, or
  (b) the dwelling is the residence house of an ecclesiastical benefice;

  and the requirement in paragraph (b) that a person give a certificate of future occupation does not apply if the person concerned is a charity or the trustee of a charity.

(5) In Chapter III (home repair assistance), section 77(1)(c) (condition that applicant have owner's interest or tenancy) does not apply to an application by an individual in respect of glebe land or the residence house of an ecclesiastical benefice.

(6) In this section "charity" does not include a registered social landlord but otherwise has the same meaning as in the [M44]Charities Act 1993.

Marginal Citations
M44 1993 c. 10.

Interpretation

96 Meaning of "reasonable repair".

In determining for the purposes of this Part what is "reasonable repair", in relation to a dwelling, house or building, a local housing authority—

(a) shall have regard to the age and character of the dwelling, house or building and the locality in which it is situated, and

(b) shall disregard the state of internal decorative repair.

97 Fitness for human habitation.

(1) Section 604 of the [M45]Housing Act 1985 (fitness for human habitation) applies for the purposes of this Part as it applies for the purposes of that Act.

(2) In deciding whether they are satisfied that the carrying out of the relevant works is the most satisfactory course of action in a case where the house or dwelling concerned is unfit for human habitation, the local housing authority shall have regard to any guidance given under section 604A of the Housing Act 1985 and section 85 of this Act.

For that purpose the authority shall treat any guidance given in respect of the serving of a repair notice under section 189(1) of the Housing Act 1985 as guidance given in respect of the completion of the relevant works.

Marginal Citations

M45 1985 c. 68.

98 Members of a person's family and connected persons.

(1) Section 113 of the [M46]Housing Act 1985 (meaning of "members of a person's family") applies in determining whether a person is a member of another's family for the purposes of this Part.

(2) For the purposes of this Part a person is connected with the owner for the time being of a dwelling if—

(a) in a case where personal representatives or trustees are the owner, he is a person who under the will or intestacy or, as the case may be, under the terms of the trust concerned is beneficially entitled to an interest in the dwelling [F6] . . .;

(b) in any other case, he is a member of the family of the owner.

Textual Amendments

F6 Words in s. 98(2)(a) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch. 4** (with ss. 24(2), 25(5)); S.I. 1996/2974, **art. 2**

Marginal Citations

M46 1985 c. 68.

99 Meaning of "owner" of dwelling.

(1) In this Part "owner", in relation to a dwelling, means the person who—

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

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

(b) is not himself liable as lessee of the dwelling, or of property which includes the dwelling, to pay such a rent to a superior landlord.

(2) For this purpose the net annual value of a dwelling means the rent at which the dwelling 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 dwelling in a state to command that rent.

(3) Any dispute arising as to the net annual value of a dwelling shall be referred in writing for decision by the district valuer.

In this subsection "district valuer" has the same meaning as in the Housing Act 1985.

100 Disabled persons.

(1) For the purposes of this Part a person is disabled if—

(a) his sight, hearing or speech is substantially impaired,

(b) he has a mental disorder or impairment of any kind, or

(c) he is physically substantially disabled by illness, injury, impairment present since birth, or otherwise.

(2) A person aged eighteen or over shall be taken for the purposes of this Part to be disabled if—

(a) he is registered in pursuance of any arrangements made under section 29(1) of the [M47]National Assistance Act 1948 (disabled persons' welfare), or

(b) he is a person for whose welfare arrangements have been made under that provision or, in the opinion of the social services authority, might be made under it.

(3) A person under the age of eighteen shall be taken for the purposes of this Part to be disabled if—

(a) he is registered in a register of disabled children maintained under paragraph 2 of Schedule 2 to the [M48]Children Act 1989, or

(b) he is in the opinion of the social services authority a disabled child as defined for the purposes of Part III of the [M49]Children Act 1989 (local authority support for children and their families).

(4) In this Part the "social services authority" means the council which is the local authority for the purposes of the [M50]Local Authority Social Services Act 1970 for the area in which the dwelling or building is situated.

(5) Nothing in subsection (1) above shall be construed as affecting the persons who are to be regarded as disabled under section 29(1) of the [M51]National Assistance Act 1948 or section 17(11) of the Children Act 1989 (which define disabled persons for the purposes of the statutory provisions mentioned in subsections (2) to (4) above).

Marginal Citations

M47 1948 c. 29.
M48 1989 c. 41.
M49 1989 c. 41.
M50 1970 c. 42.

M51 1948 c. 29.

101 Minor definitions: Part I.

In this Part—

"dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

"elderly" means aged 60 years or over;

"house in multiple occupation" has the same meaning as in Part VII of the [M52]Local Government and Housing Act 1989;

"housing action trust" means a housing action trust established under Part III of the [M53]Housing Act 1988 and includes any body established by order under section 88 of the Housing Act 1988;

"improvement" includes alteration and enlargement;

"introductory tenancy" and "introductory tenant" have the same meaning as in Chapter I of Part V of the [M54]Housing Act 1996;

"local authority" and "local housing authority" have the same meaning as in the [M55]Housing Act 1985;

"long tenancy" has the meaning assigned by section 115 of that Act;

"new town corporation" has the same meaning as in the Housing Act 1985 and includes any body established by order under paragraph 7 of Schedule 9 to the [M56]New Towns Act 1981;

"owner", in relation to a dwelling, has the meaning given by section 99, and, in relation to a house in multiple occupation, has the same meaning as in Part XI of the Housing Act 1985;

"owner's interest", in relation to any premises, means—

(a) an estate in fee simple absolute in possession, or

(b) a term of years absolute of which not less than five years remain unexpired at the date of the application,

whether held by the applicant alone or jointly with others;

"partner", in relation to a person, means that person's spouse or a person other than a spouse with whom he or she lives as husband or wife;

"prescribed" means prescribed by regulations made by the Secretary of State;

"registered social landlord" has the same meaning as in Part I of the Housing Act 1996;

"renewal area" has the same meaning as in Part VII of the Local Government and Housing Act 1989;

"secure tenancy" and "secure tenant" have the same meaning as in Part IV of the [M57]Housing Act 1985;

"statutory tenancy" and "statutory tenant" mean a statutory tenancy or statutory tenant within the meaning of the [M58]Rent Act 1977 or the [M59]Rent (Agriculture) Act 1976;

"tenancy" includes a sub-tenancy and an agreement for a tenancy or sub-tenancy;

"tenant" includes a sub-tenant and any person deriving title under the original tenant or sub-tenant;

Status: *Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)*

"urban development corporation" has the same meaning as in the Housing Act 1985 and includes any body established by order under section 165B of the [M60]Local Government, Planning and Land Act 1980.

Commencement Information

I27 S. 101 wholly in force; s. 101 not in force at Royal Assent see s. 150; s. 101 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 101 in force insofar as not already in force at 17.12.1996 by S.I. 1997/2842, **art. 3**

Marginal Citations

M52 1989 c. 42.
M53 1988 c. 50.
M54 1996 c. 52.
M55 1985 c. 68.
M56 1981 c. 64.
M57 1985 c. 68.
M58 1977 c. 42.
M59 1976 c. 80.
M60 1980 c. 65.

Transitional and consequential provisions

102 Transitional provisions.

(1) The provisions of Chapters I to III of this Part have effect in place of Part VIII of the [M61]Local Government and Housing Act 1989 (grants towards cost of improvements and repairs, &c.).

(2) Subject as follows, the provisions of that Part continue to apply to applications for grant of the descriptions mentioned in section 101 of that Act made before the commencement of this Part.

(3) Sections 112 and 113 of that Act (which require a local housing authority to approve certain grant applications) do not apply to an application under that Part made after 2nd February 1996 which has not been approved or refused before the commencement of this Part, unless—

(a) the six month period under section 116(1) of that Act (period within which applicant to be notified of decision) has elapsed before commencement, or

(b) the works were begun on or before 2nd February 1996—

(i) in an emergency, or

(ii) in order to comply with a notice under section 189, 190 or 352 of the Housing Act 1985.

(4) An application to which section 112 or 113 of the Local Government and Housing Act 1989 would have applied but for subsection (3) above shall be dealt with after the commencement of this Part as if those sections were omitted from Part VIII of that Act.

(5) The above provisions do not affect the power conferred by section 150(4) to make transitional provision and savings in relation to the commencement of this Part, including provision supplementary or incidental to the above provisions.

Supplementary and incidental provision may, in particular, be made adapting the provisions of Part VIII of that Act in the case of applications to which section 112 or 113 would have applied but for the above provisions.

Commencement Information

I28 S. 102 wholly in force; s. 102 not in force at Royal Assent see s. 150; s. 102 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 102 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, **art. 3**

Marginal Citations

M61 1989 c. 42.

103 Consequential amendments: Part I.

The enactments mentioned in Schedule 1 have effect with the amendments specified there which are consequential on the provisions of this Part.

Status:
Point in time view as at 01/04/1998. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:
There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I.