



# Housing Act 2004

## 2004 CHAPTER 34

### PART 6

#### OTHER PROVISIONS ABOUT HOUSING

### CHAPTER 5

#### MISCELLANEOUS

#### *Overcrowding*

#### 216 Overcrowding

- (1) The appropriate national authority may by order make such provision as it considers appropriate for and in connection with—
  - (a) determining whether a dwelling is overcrowded for the purposes of Part 10 of the Housing Act 1985 (c. 68) (overcrowding);
  - (b) introducing for the purposes of Chapter 3 of Part 4 of this Act a concept of overcrowding similar to that applying for the purposes of Part 10 (and accordingly removing the discretion of local housing authorities to decide particular issues arising under those sections);
  - (c) securing that overcrowding in premises to which Chapter 3 of Part 4 of this Act would otherwise apply, or any description of such premises, is regulated only by provisions of Part 10.
- (2) An order under this section may, in particular, make provision for regulating the making by local housing authorities of determinations as to whether premises are overcrowded, including provision prescribing—
  - (a) factors that must be taken into account by such authorities when making such determinations;
  - (b) the procedure that is to be followed by them in connection with making such determinations.

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- (3) An order under this section may modify any enactment (including this Act).
- (4) In this section—
  - (a) any reference to Part 10 of the Housing Act 1985 includes a reference to Part 10 as modified by an order under this section; and
  - (b) “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

### *Energy efficiency*

#### **217 Energy efficiency of residential accommodation: England**

- [<sup>F1</sup>(1) The Secretary of State must take reasonable steps to ensure that by 2010 the general level of energy efficiency of residential accommodation in England has increased by at least 20 per cent compared with the general level of such energy efficiency in 2000.
- (2) Nothing in this section affects the duties of the Secretary of State under section 2 of the Sustainable Energy Act 2003 (c. 30) (energy efficiency aim in respect of residential accommodation in England).
- (3) In this section “residential accommodation” has the meaning given by section 1 of the Home Energy Conservation Act 1995 (c. 10).]

#### **Textual Amendments**

- F1** S. 217 ceases to have effect (21.3.2012) by virtue of [Energy Act 2011 \(c. 16\)](#), **ss. 118(5)**, 121(1); S.I. 2012/873, art. 2(c)

### *Registered social landlords*

#### **218 Amendments relating to registered social landlords**

Schedule 11 (which makes amendments relating to registered social landlords) has effect.

#### **219 Disclosure of information to registered social landlords for the purposes of section 1 of the Crime and Disorder Act 1998**

In section 115(2) of the Crime and Disorder Act 1998 (c. 37) after paragraph (d) insert—

- “(da) a person registered under section 1 of the Housing Act 1996 as a social landlord;”.

### *Other provisions relating to social housing*

#### **220 Additional power to give grants for social housing**

After section 27 of the Housing Act 1996 (c. 52) insert—

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*“Grants to bodies other than registered social landlords*

**27A Grants to bodies other than registered social landlords**

- (1) The Relevant Authority may make grants under this section to persons other than registered social landlords.
- (2) Grants under this section are grants for any of the following purposes—
  - (a) acquiring, or repairing and improving, or creating by the conversion of houses or other property, houses to be disposed of—
    - (i) under equity percentage arrangements, or
    - (ii) on shared ownership terms;
  - (b) constructing houses to be disposed of—
    - (i) under equity percentage arrangements, or
    - (ii) on shared ownership terms;
  - (c) providing loans to be secured by mortgages to assist persons to acquire houses for their own occupation;
  - (d) providing, constructing or improving houses to be kept available for letting;
  - (e) providing, constructing or improving houses for letting that are to be managed by such registered social landlords, and under arrangements containing such terms, as are approved by the Relevant Authority;
  - (f) such other purposes as may be specified in an order under subsection (3).
- (3) The Secretary of State may by order make such provision in connection with the making of grants under this section as he considers appropriate.
- (4) An order under subsection (3) may, in particular, make provision—
  - (a) defining “equity percentage arrangements” for the purposes of this section;
  - (b) specifying or describing the bodies from whom loans may be obtained by persons wishing to acquire houses for their own occupation;
  - (c) dealing with the priority of mortgages entered into by such persons;
  - (d) specifying purposes additional to those mentioned in subsection (2)(a) to (e).
- (5) As regards grants made by the Housing Corporation, an order under subsection (3) may also require the imposition of conditions in connection with such grants, and for this purpose may—
  - (a) prescribe conditions that are to be so imposed;
  - (b) prescribe matters about which conditions are to be so imposed and any particular effects that such conditions are to achieve.
- (6) The Relevant Authority shall specify in relation to grants under this section—
  - (a) the procedure to be followed in relation to applications for grant,
  - (b) the circumstances in which grant is or is not to be payable,
  - (c) the method for calculating, and any limitations on, the amount of grant, and

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- (d) the manner in which, and the time or times at which, grant is to be paid.
- (7) If, by virtue of subsection (5), an order under subsection (3) requires conditions to be imposed by the Housing Corporation in connection with a grant to a person under this section, the Corporation in making the grant—
  - (a) must provide that the grant is conditional on compliance by the person with such conditions as are required by the order; and
  - (b) if it exercises its power to impose conditions under subsection (8), must not impose any that are inconsistent with the requirements of the order.
- (8) In making a grant to a person under this section the Relevant Authority may provide that the grant is conditional on compliance by the person with such conditions as the Authority may specify.
- (9) The conditions that may be so specified include conditions requiring the payment to the Relevant Authority in specified circumstances of a sum determined by the Authority (with or without interest).
- (10) An order under subsection (3) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section—
  - “disposed of on shared ownership terms” has the meaning given by section 2(6);
  - “letting” includes the grant of a licence to occupy.

### **27B Transfer of property funded by grants under section 27A**

- (1) Where—
  - (a) any grant is paid or payable to any person under section 27A, and
  - (b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, another person who is not a registered social landlord,
 this Part shall have effect, in relation to times falling after that time, as if the grant, or such proportion of it as is determined or specified under subsection (4), had been paid or (as the case may be) were payable to that other person under section 27A.
- (2) Where—
  - (a) any amount is paid or payable to any person by way of grant under section 27A, and
  - (b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, a registered social landlord,
 this Part shall have effect, in relation to times falling after that time, as if the grant, or such proportion of it as is determined or specified under subsection (4), had been paid or (as the case may be) were payable to that other person under section 18.
- (3) In such a case, the relevant section 18 conditions accordingly apply to that grant or proportion of it, in relation to times falling after that time, in place of those specified under section 27A(8).

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“The relevant section 18 conditions” means such conditions specified under section 18(3) as would have applied at the time of the making of the grant if it had been made under section 18 to a registered social landlord.

- (4) The proportion mentioned in subsection (1) or (2) is that which, in the circumstances of the particular case—
- (a) the Relevant Authority, acting in accordance with such principles as it may from time to time determine, may specify as being appropriate, or
  - (b) the Relevant Authority may determine to be appropriate.”

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**Commencement Information**

- II** S. 220 partly in force; s. 220 in force for certain purposes at Royal Assent see s. 270(2)(b); s. 220 in force for E. in so far as not already in force at 17.2.2005 by [S.I. 2005/326](#), [art. 2\(a\)](#)

**F2221 Extension of right to acquire**

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**Textual Amendments**

- F2** S. 221 repealed (26.1.2019) by [Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018](#) (anaw 1), s. 11(3)(4), [Sch. 1 para. 5\(5\)](#); [S.I. 2018/100](#), [art. 2\(b\)](#) (with [art. 3](#))

**222 Rights of pre-emption in connection with assured tenancies**

- (1) Section 5 of the Housing Act 1988 (c. 50) (security of tenure for assured tenants) is amended as follows.
- (2) After subsection (5) (certain obligations etc. of tenant to be unenforceable) insert—
- “(5A) Nothing in subsection (5) affects any right of pre-emption—
- (a) which is exercisable by the landlord under a tenancy in circumstances where the tenant indicates his intention to dispose of the whole of his interest under the tenancy, and
  - (b) in pursuance of which the landlord would be required to pay, in respect of the acquisition of that interest, an amount representing its market value.

“Dispose” means dispose by assignment or surrender, and “acquisition” has a corresponding meaning.”

- (3) The amendment made by subsection (2) does not apply in relation to any right of pre-emption granted before the day on which this section comes into force.

**223 Allocation of housing accommodation by local authorities**

In section 167(2)(d) of the Housing Act 1996 (c. 52) (people to whom preference is to be given in allocating housing accommodation) after “medical or welfare grounds” insert “ (including grounds relating to a disability) ”.

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### Commencement Information

- I2** S. 223 partly in force; s. 223 not in force at Royal Assent see s. 270(4)(5); s. 223 in force for E. at 27.4.2005 by [S.I. 2005/1120](#), [art. 2](#)

## *Disabled facilities grant*

### **224 Disabled facilities grant: caravans**

- (1) The Housing Grants, Construction and Regeneration Act 1996 (c. 53) is amended as follows.
- (2) In section 1(1)(c)(i) (grants in relation to qualifying park homes) for “qualifying park homes” substitute “caravans”.
- (3) In section 19(1) (applications for grants) for paragraph (c) substitute—
  - “(c) that the applicant is an occupier (alone or jointly with others) of a qualifying houseboat or a caravan and, in the case of a caravan, that at the time the application was made the caravan was stationed on land within the authority’s area.”
- (4) In section 22A (certificates required in case of occupier’s application)—
  - (a) for “qualifying park home” in subsection (2)(b) and (3)(a) and (b) substitute “caravan”, and
  - (b) for “pitch” in subsection (3)(a) substitute “land”.
- (5) In the following provisions for “qualifying park home” substitute “caravan”
  - (a) section 23(1)(a)(i), (b)(i), (i) and (k) (purposes of grant);
  - (b) section 24(3)(b)(i) (approval of application);
  - (c) section 29(3) (restriction on grants for works already begun);
  - (d) section 41(1)(b) (change of circumstances).
- (6) In section 57(2)(a) (power of authority to carry out works)—
  - (a) for “qualifying park home”, in each place where it occurs, substitute “caravan”, and
  - (b) for “pitch” in sub-paragraph (i) substitute “land”.
- (7) In section 58 (minor definitions for the purposes of Chapter 1 of Part 1)—
  - (a) before the definition of “common parts” insert—
    - ““caravan”—
    - (a) means a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 (disregarding the amendment made by section 13(2) of the Caravan Sites Act 1968); and
    - (b) includes any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;” and
  - (b) for “qualifying park home” in the definition of “premises” substitute “caravan”, and
  - (c) omit the definition of “qualifying park home”.



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*Social Housing Ombudsman for Wales*

**228 Social Housing Ombudsman for Wales**

(1) After subsection (6) of section 51 of the Housing Act 1996 (c. 52) (schemes for investigation of housing complaints) insert—

“(7) This section shall not apply in relation to social landlords in Wales (within the meaning given by section 51C).”

(2) <sup>F6</sup> .....

(3) <sup>F6</sup> .....

(4) <sup>F6</sup> .....

**Textual Amendments**

**F6** S. 228(2)-(4) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39(2), 40, [Sch. 7](#); [S.I. 2005/2800](#), [art. 5\(1\)](#)

**Commencement Information**

**I4** S. 228 wholly in force at 14.7.2005; s. 228 in force for certain purposes at Royal Assent see s. 270(2)(b)(7); s. 228 in force otherwise at 14.7.2005 by [S.I. 2005/1814](#), [art. 2\(c\)](#)



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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)