
STATUTORY INSTRUMENTS

1996 No. 2842

**The Housing Grants, Construction and Regeneration Act
1996 (Commencement No. 2 and Revocation, Savings,
Supplementary and Transitional Provisions) Order 1996**

Transitional and supplementary provision

5.—(1) This article applies to applications made after 2nd February 1996 under Part VIII of the 1989 Act for grant of a description mentioned in section 101 (grants for improvements and repairs) of that Act which have not been approved or refused before 17th December 1996.

(2) Where, in accordance with section 102(4) of the 1996 Act, an application to which this article applies is to be dealt with after 16th December 1996 as if sections 112 and 113 of the 1989 Act were omitted from that Part, that Part shall apply in relation to that application with the following further adaptations—

(a) in section 107 (certain dwellings and works excluded from grant aid—

(i) for subsection (1) substitute—

“(1) In each of the cases in subsection (2) below, the local housing authority may not approve an application for a grant unless completion of the relevant works is necessary to comply with a notice under section 189 (repair notice requiring works to render premises fit for human habitation), section 190 (repair notice in respect of house in state of disrepair but not unfit) or section 352 (notice requiring works to render premises fit for number of occupants) of the Housing Act 1985.”⁽¹⁾;

(ii) for subsection (5) substitute—

“(5) A local housing authority may not approve an application for an HMO grant so far as it relates to works which related to means of escape from fire or other fire precautions unless completion of those works is necessary to comply with a notice under section 189, 190 or 352 of the Housing Act 1985.”;

(b) in section 108 (restriction on grants for works already begun)—

(i) for subsection (2) substitute—

“(2) Subsection (1) above does not apply if completion of the relevant works is necessary to comply with a notice under section 189, 190 or 352 of the Housing Act.”; and

(ii) in subsection (4), in paragraph (b), for the words “sections 112, 114 and 115 below” substitute the words “sections 114 and 115 below”;

(c) after section 108 insert the following section—

(1) 1985 c. 68.

“Restriction on grants where more satisfactory course of action available

108A.—(1) This subsection applies to applications for grant in respect of—

- (a) works necessary to render a dwelling fit for human habitation;
- (b) works to premises in a state of disrepair; or
- (c) works to enable a house in multiple occupation to meet one or more of the requirements in section 352(1A) of the Housing Act 1985;

(whether or not any notice has been served under section 189, 190 or 352 of that Act in respect of the dwelling premises or house concerned).

(2) A local housing authority may not approve an application to which subsection (1) applies unless—

- (a) they have determined that the dwelling, premises or house concerned is not fit for human habitation; and
- (b) they are satisfied that completion of the relevant works is the most satisfactory course of action.

(3) Section 604 (fitness for human habitation) of the Housing Act 1985 applies for the purposes of this Part as it applies for the purposes of that Act.

(4) 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 dwelling, premises or house 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.

For that purpose the authority shall treat any guidance given in respect of the serving of a repair notice under section 189(1) of that Act as guidance given in respect of the completion of the relevant works.”(2);

- (d) in section 115 (discretionary approval of certain applications), in subsection (3)—
 - (i) at the end of paragraph (f) omit the word “and”;
 - (ii) at the end of paragraph (g) insert—
 - “(h) to ensure that the dwelling is fit for human habitation; and
 - (i) to ensure that there is compliance with the requirements of any notice served under section 352 of the Housing Act 1985 with respect to the house.”
- (e) in section 116 (approval and refusal of applications), in subsection (2), in paragraph (d) for the words “sections 109 to 115 above” substitute the words “sections 109 to 111, 114 and 115 above”; and
- (f) in section 134 (cases in which grants may be re-calculated, withheld or repaid), in subsection (1), for paragraph (c) substitute—
 - “(c) the authority ascertain that without their knowledge the eligible works were started before the application was approved and the application was not in respect of works whose completion was necessary to comply with a notice under section 198, 190 or 352 of the Housing Act 1985.”

(2) Subsection (1A) of section 352 of the Housing Act 1985 was inserted by the Local Government and Housing Act 1989, Schedule 9, Part III, paragraph 49. Section 604A of the Housing Act 1985 was inserted by the Local Government and Housing Act 1989, Schedule 9, Part V, paragraph 84.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
