
STATUTORY INSTRUMENTS

1996 No. 2842 (C. 83)

ARCHITECTSHOUSING, ENGLAND AND WALES

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

Made - - - - 12th November 1996

The Secretary of State, in exercise of the powers conferred by sections 102(5) and 150(3) and (4) of the Housing Grants, Construction and Regeneration Act 1996(1) hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Housing Grants, Construction and Regeneration Act 1996 (Commencement No. 2 and Revocation, Savings, Supplementary and Transitional Provisions) Order 1996.

(2) In this Order—

“the 1996 Act” means the Housing Grants, Construction and Regeneration Act 1996;

“the 1989 Act” means the Local Government and Housing Act 1989(2);

and expressions used in this Order and in Part VIII (grants towards cost of improvements and repairs, etc.) of the 1989 Act have the same meaning in this Order as they have in that Part.

Provision coming into force on 13th November 1996

2. So much of section 31 (determination of amount of grant in case of landlord’s application) of the 1996 Act as confers on the Secretary of State a power to make regulations shall come into force on 13th November 1996.

Provisions coming into force on 17th December 1996

3. The following provisions of the 1996 Act (in so far as not already in force)(3) shall come into force on 17th December 1996—

sections 1 to 59 in Chapter 1 (the main grants),

(1) 1996 c. 53.

(2) 1989 c. 42. Part VIII is superseded, except as provided in section 102 of the Housing Grants, Construction and Regeneration Act 1996, by Chapters I to III of Part I of that Act.

(3) See S.I. 1996/2352(C.61).

sections 60 to 73 and 75 in Chapter II (group repair schemes) of Part I (grants, &c. for renewal of private sector housing),
sections 76 to 78 and 80 in chapter III (home repair assistance) of that Part,
sections 81 to 85, 87, 88, 90 and 91 in chapter IV (deferred action notices, &c.) of that Part,
sections 92, 93 and 95 to 103 in Chapter V (supplementary provisions) of that Part, and
subject to article 8, section 147 (repeals and revocations), in so far as it relates to Part I of Schedule 3.

Provisions coming into force on 1st April 1997

4. Part III (architects) (and Schedule 2) (in so far as not already in force) and section 147, in so far as it relates to Part II of Schedule 3, of the 1996 Act shall come into force on 1st April 1997.

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.”(4);

(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—

“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.”(5);

(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.”

(5) 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.

Further supplementary provision

6.—(1) The local housing authority shall, not later than 11th March 1997, send a notice in writing to each person from whom they have received an application to which article 5 applies.

(2) A notice under paragraph (1) shall state—

- (a) that the application is one to which section 102(4) of the 1996 Act applies;
- (b) that the local housing authority are no longer required to approve the application; and
- (c) that approval of the application is a matter for the discretion of the local housing authority.

(3) The local housing authority shall send with the notice under paragraph (1)—

- (a) a copy of section 102 of the 1996 Act,
- (b) a copy of this Order, and
- (c) a summary of the general effect of that section and this Order.

Revocations

7. Subject to article 8(2), the subordinate legislation listed in the Schedule to this Order is hereby revoked.

Savings

8.—(1) Section 132 of the 1989 Act (contributions by the Secretary of State) shall continue to have effect for purposes connected with applications under section 461 (grant applications) of the Housing Act 1985⁽⁶⁾ approved by a local housing authority before 1st July 1990.

(2) Subject to article 5, Part VIII of the 1989 Act and the subordinate legislation listed in the Schedule to this Order shall continue to have effect in relation to—

- (a) any common parts grant, disabled facilities grant, HMO grant, renovation grant or minor works assistance approved under that Part before 17th December 1996;
- (b) any group repair scheme approved under section 127 of the 1989 Act before that date; and
- (c) any application made before that date for any such grant assistance as is mentioned in paragraph (a).

(3) For the purposes of paragraph (2)(b), the date of approval of a scheme not submitted for specific approval shall be taken to be the date on which the local housing authority that prepared the scheme decided that the scheme fulfilled the criteria for general approval⁽⁷⁾

Signed by authority of the Secretary of State for the Environment.

Department of the Environment
12th November 1996

David Curry
Minister of State,

⁽⁶⁾ 1985 c. 68. Part XV (grants for works of improvement, repair and conversion) was superseded, subject to saving and transitional provisions, by Part VIII of the Local Government and Housing Act 1989. See, in particular, the Local Government and Housing Act 1989 (Commencement No. 8 and Transitional Provisions) Order 1990 (S.I. 1990/1274 (C.36)).

⁽⁷⁾ See Annex C to Department of the Environment Circular 7/93.

SCHEDULE

Article 7

REVOCATION OF SUBORDINATE LEGISLATION

PART I—STATUTORY INSTRUMENTS REVOKED

<i>Title of instrument revoked</i>	<i>Reference</i>
The Housing Renovation etc. Grants (Prescribed Forms and Particulars) (Welsh Forms and Particulars) (Amendment) Regulations 1996	S.I.1996/1378
The Housing Renovation etc. Grants (Prescribed Forms and Particulars) (Amendment) Regulations 1996	S.I. 1996/1332
The Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations 1996	S.I. 1996/1331
The Housing Renovation etc. Grants (Prescribed Forms and Particulars) (Welsh Forms and Particulars) (Amendment) Regulations 1995	S.I. 1995/857
The Housing Renovation etc. Grants (Prescribed Forms and Particulars) (Amendment) Regulations 1995	S.I. 1995/839
The Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations 1995	S.I. 1995/838
The Housing Renovation etc. Grants (Prescribed Forms and Particulars) (Welsh Forms and Particulars) (Amendment) Regulations 1994	S.I. 1994/2765
The Housing Renovation etc. Grants (Prescribed Forms and Particulars) (Welsh Forms and Particulars) Regulations 1994	S.I. 1994/693
The Housing Renovation etc. Grants (Reduction of Grant) Regulations 1994	S.I. 1994/648
The Housing Renovation etc. Grants (Prescribed Forms and Particulars) Regulations 1994	S.I. 1994/565
The Housing Renovation etc. Grants (Grant Limit) (Amendment) Order 1993	S.I. 1993/2711
The Assistance for Minor Works to Dwellings (Amendment) Order 1993	S.I. 1993/554
The Housing Renovation etc. Grants (Grant Limit) Order 1993	S.I. 1993/553

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<i>Title of instrument revoked</i>	<i>Reference</i>
The Assistance for Minor Works to Dwellings (Amendment) Regulations 1992	S.I. 1992/1845
The Assistance for Minor Works to Dwellings (Lead Pipes) Order 1992	S.I. 1992/1837
The Assistance for Minor Works to Dwellings Regulations 1990	S.I. 1990/388

PART II—OTHER REVOCATIONS

<i>Title</i>	<i>Reference</i>
The Housing Renovation, etc. Grants (Owner's Interest) Directions 1994	Department of the Environment Circular 8/94, Annex 1. Welsh Office Circular 25/94, Annex 1
Direction under section 110(2)(d) of the Local Government and Housing Act 1989 (grant determinations)	Department of the Environment Circular 7/93, Annex B. Welsh Office Circular 22/93, Annex B
General Approval to Group Repair Schemes 1993	Department of the Environment Circular 7/93, Annex C. Welsh Office Circular 22/93, Annex C
House Renovation Grants and Group Repair: Exchequer Contributions Determination 1990 (Amendment) Determination 1993	Department of the Environment Circular 7/93, Annex E
House Renovation Grants and Group Repair: Exchequer Contributions Conditions 1990 (Amendment) 1993	Department of the Environment Circular 7/93, Annex F. Welsh Office Circular 22/93, Annex E
Minor Works Assistance: Exchequer Contributions Determination (Wales) 1993	Welsh Office Circular 22/93, Annex F
Minor Works Assistance: Exchequer Contributions Determination 1990 (Amendment) Determination 1993	Department of the Environment Circular 7/93, Annex G
The Preliminary and Ancillary Fees and Charges Specification	Department of the Environment Circular 12/90, Annex B, Section 1. Welsh Office Circular 15/90, Annex B, Section 1
Direction under section 110(2)(d) of the Local Government and Housing Act 1989 (grant determinations)	Department of the Environment Circular 12/90, Annex B, Section 2. Welsh Office Circular 15/90, Annex B, Section 2
Specification under section 115(3)(f) of the Local Government and Housing Act 1989 (radon level)	Department of the Environment Circular 12/90, Annex B, Section 3. Welsh Office Circular 15/90, Annex B, Section 3
Consent under section 116(3)(a) of the Local Government and Housing Act 1989 (additional grant condition)	Department of the Environment Circular 12/90, Annex B, Section 4. Welsh Office Circular 15/90, Annex B, Section 4
House Renovation Grants and Group Repair: Exchequer Contributions Determination 1990	Department of the Environment Circular 12/90, Annex J

<i>Title</i>	<i>Reference</i>
House Renovation Grants and Group Repair: Exchequer Contributions (Wales) Determination 1990	Welsh Office Circular 15/90, Annex J
The House Renovation Grants and Group Repair: Exchequer Contributions Conditions 1990	Department of the Environment Circular 12/90, Annex J. Welsh Office Circular 15/90, Annex J
Determination as to payment of contributions towards expenditure on grants under Part XV of the Housing Act 1985	Department of the Environment Circular 12/90, Annex K. Welsh Office Circular 15/90, Annex K
Conditions relating to payment of contributions towards expenditure on grants under Part XV of the Housing Act 1985	Department of the Environment Circular 12/90, Annex K. Welsh Office Circular 15/90 Annex K
Minor Works Assistance: Exchequer Contributions Determination 1990	Department of the Environment Circular 4/90, Appendix B
Minor Works Assistance: Exchequer Contributions Conditions 1990	Department of the Environment Circular 4/90, Appendix B. Welsh Office Circular 13/90, Appendix B

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Housing Grants, Construction and Regeneration Act 1996 (“the 1996 Act”) concerning private sector housing renewal grants (Part I) and architects (Part III).

Article 2 of this Order brings into force on 13th November 1996 so much of section 31 of the 1996 Act as enables the Secretary of State to make regulations.

Article 3 of the Order brings into force on 17th December 1996, in so far as those sections are not already in force (see S.I. [1996/2352 \(C.61\)](#)), sections 1 to 59 in Chapter I (the main grants), sections 60 to 73 and 75 in Chapter II (group repair schemes), sections 76 to 78 and 80 in Chapter III (home repair assistance), sections 81 to 85, 87, 88, 90 and 91 in Chapter IV (deferred action notices, &c.) and sections 92, 93 and 95 to 103 in Chapter V (supplementary provisions) of Part I (grants, &c. for renewal of private sector housing) of the 1996 Act. Subject to article 7, section 147 (repeals and revocations) of the 1996 Act, in so far as it relates to Part I of Schedule 3 to that Act, is also brought into force on 17th December 1996.

Article 4 of the Order brings into force on 1st April 1997 the remainder of Part III (architects) of the 1996 Act and section 147, in so far as it relates to Part II of Schedule 3 to that Act.

Subject to transitional provisions, the sections in Part I of the 1996 Act replace sections in Part VIII of the Local Government and Housing Act 1989 (grants towards cost of improvements and repairs, etc.) (“the 1989 Act”). The new provisions establish a framework of grants which enables local housing authorities to give financial assistance for the improvement of dwellings. The new

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provisions also modify the scope of, and arrangements for, the approval and payment of mandatory and discretionary disabled facilities grant.

Article 5 of the Order makes further provision in relation to applications for grant made after 2nd February 1996 under Part VIII of the 1989 Act and neither approved nor refused by 17th December 1996. By virtue of the transition provisions in section 102 of the 1996 Act these applications will be dealt with after 16th December 1996 as if sections 112 (duty to approve applications to render certain dwellings fit for human habitation) and 113 (duty to approve applications arising out of certain statutory notices) of the 1989 Act were omitted from Part VIII. Article 5(2) makes further adaptations to that Part, in consequence of the omission of those sections.

Article 6 provides for information to be given to persons who have made applications which are the subject of those transitional provisions.

Article 7 revokes the subordinate legislation listed in the Schedule to the Order.

Article 8 makes a saving from the repeal (effected by article 3) of section 132(5)(a) of Part VIII of the 1989 Act relating to the payment of subsidy on grants approved under section 461 of the Housing Act 1985 before 1st July 1990. It also preserves the operation of Part VIII of the 1989 Act and the subordinate legislation listed in the Schedule to the Order for purposes connected with certain grants approved and grant applications made before 17th December 1996.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

The following provisions of the Housing Grants, Construction and Regeneration Act 1996 are brought into force by Commencement Order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 2 (partially)	11th September 1996	1996/2352 (C.61)
section 3 (partially)		
section 7 (partially)		
section 12 (partially)		
section 17 (partially)		
section 19 (partially)		
section 25 (partially)		
section 27 (partially)		
section 30 (partially)		
section 33 (partially)		
sections 44 to 47 (partially)		
section 51 (partially)		
section 52 (partially)		
section 61 (partially)		
section 63 (partially)		
section 64 (partially)		
section 67 (partially)		
section 68 (partially)		

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 74		
section 76 (partially)		
section 79		
section 85 (partially)		
section 86		
section 87 (partially)		
section 89		
section 92 (partially)		
section 94		
section 101 (partially)		
section 102 (partially)		
sections 104 to 106 (partially)		
section 108 (partially)		
section 114 (partially)		
section 125 (in so far as it relates to paragraph 21(1) to (3) of Part III of Schedule 2)	1st October 1996	
sections 131 to 135 (partially)	11th September 1996	
section 139 (partially)		
section 140 (partially)		