



# 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) <sup>F1</sup> .....
- (b) <sup>F1</sup> .....
- (c) the provision of facilities for disabled persons
  - <sup>F2</sup>(i) in dwellings, qualifying houseboats and [<sup>F3</sup>caravans], and
  - (ii) in the common parts of buildings containing one or more flats.]

(2) <sup>F4</sup> .....

(3) <sup>F4</sup> .....

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Housing Grants, Construction and Regeneration Act 1996 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) <sup>F4</sup> .....
- (5) <sup>F4</sup> .....
- (6) In the following provisions of this Chapter the expression “grant”<sup>F5</sup> means a grant under subsection (1) above].

#### **Textual Amendments**

- F1** S. 1(1)(a)(b) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 2\(a\)\(i\)](#), [Sch. 6](#) (with art. 11(2))
- F2** S. 1(1)(c)(i)(ii) substituted (19.7.2003) for words in s. 1(1)(c) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), [Sch. 3 para. 2\(a\)\(ii\)](#) (with art. 11(2))
- F3** Word in s. 1(1)(c)(i) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), [ss. 224\(2\)](#), 270(3)(a) (with s. 224(9))
- F4** S. 1(2)-(5) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 2\(b\)](#), [Sch. 6](#) (with art. 11(2))
- F5** Words in s. 1(6) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), [Sch. 3 para. 2\(c\)](#) (with art. 11(2))

## **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.

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### Commencement Information

- II** 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;
- <sup>F6</sup>(e) . . . . .
- (f) a [<sup>F7</sup>Strategic Health Authority,] health authority, special health authority [<sup>F8</sup>, Primary Care Trust][<sup>F9</sup>, NHS trust or NHS foundation trust];
- <sup>F10</sup>[(g) a police authority established under section 3 of the Police Act 1996 <sup>F11</sup>. . . .];
- (h) a joint authority established by Part IV of the <sup>M1</sup>Local Government Act 1985;
- (i) a residuary body established by Part VII of that Act; <sup>F12</sup>. . . .
- (j) an authority established under section 10(1) of that Act (waste disposal) [<sup>F13</sup> or
- (k) the London Fire and Emergency Planning Authority.]

- (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

- F6** S. 3(2)(e) repealed (1.10.1998) by 1998 c. 38, s. 152, Sch. 18 Pt. IV (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, art. 4
- F7** Words in s. 3(2)(f) inserted (1.10.2002) by The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), regs. 1, 4, Sch. 1 para. 23(2)
- F8** Words in s. 3(2)(f) inserted (8.2.2000) by S.I. 2000/90, arts. 1, 3(1), Sch. 1 para. 31(2)
- F9** Words in s. 3(2)(f) substituted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), Sch. 4 para. 103; S.I. 2004/759, art. 2
- F10** 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)

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- F11** Words in s. 3(2)(g) repealed (1.4.2002) by Criminal Justice and Police Act 2001 (c. 16), ss. 128, 137, Sch. 6 para. 79, Sch. 7 Pt. 5; S.I. 2002/344, **art. 3(k)(m)** (with art. 4)
- F12** Word in s. 3(2)(i) repealed (3.7.2000) by 1999 c. 29, s. 423, **Sch. 34 Pt. VIII** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(i)**
- F13** S. 3(2)(k) and preceding word inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 60** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**

**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.**

**F14** .....

**Textual Amendments**

- F14** Ss. 4-18 repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 3, Sch. 6** (with art. 11(2))

**5 Excluded descriptions of works.**

**F15** .....

**Textual Amendments**

- F15** Ss. 4-18 repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 3, Sch. 6** (with art. 11(2))

**6 Defective dwellings.**

**F16** .....

**Textual Amendments**

- F16** Ss. 4-18 repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 3, Sch. 6** (with art. 11(2))

*Renovation grants*

**7 Renovation grants: owner’s applications and tenant’s applications.**

**F17** .....

*Status: Point in time view as at 05/12/2005.*

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**Textual Amendments**

**F17** Ss. 4-18 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 3**, **Sch. 6** (with art. 11(2))

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

**F18** .....

**Textual Amendments**

**F18** Ss. 4-18 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 3**, **Sch. 6** (with art. 11(2))

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

**F19** .....

**Textual Amendments**

**F19** Ss. 4-18 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 3**, **Sch. 6** (with art. 11(2))

**10 Renovation grants: prior qualifying period.**

**F20** .....

**Textual Amendments**

**F20** Ss. 4-18 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 3**, **Sch. 6** (with art. 11(2))

**11 Prior qualifying period: the ownership or tenancy condition.**

**F21** .....

**Textual Amendments**

**F21** Ss. 4-18 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 3**, **Sch. 6** (with art. 11(2))

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

**F22** .....

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**Textual Amendments**

**F22** Ss. 4-18 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 3**, **Sch. 6** (with art. 11(2))

**13 Renovation grants: approval of application.**

**F23** .....

**Textual Amendments**

**F23** Ss. 4-18 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 3**, **Sch. 6** (with art. 11(2))

*Common parts grants*

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

**F24** .....

**Textual Amendments**

**F24** Ss. 4-18 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 3**, **Sch. 6** (with art. 11(2))

**15 Common parts grants: landlord’s and tenants’ applications.**

**F25** .....

**Textual Amendments**

**F25** Ss. 4-18 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 3**, **Sch. 6** (with art. 11(2))

**16 Common parts grants: certificate required to accompany application.**

**F26** .....

**Textual Amendments**

**F26** Ss. 4-18 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 3**, **Sch. 6** (with art. 11(2))

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

**F27** .....

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#### Textual Amendments

**F27** Ss. 4-18 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 3](#), [Sch. 6](#) (with art. 11(2))

### 18 Common parts grants: approval of application.

**F28** . . . . .

#### Textual Amendments

**F28** Ss. 4-18 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 3](#), [Sch. 6](#) (with art. 11(2))

#### *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 <sup>F29</sup> . . . 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) [<sup>F30</sup>, or
  - <sup>F31</sup>(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.]]
- (2) References in this Chapter to an "owner's application" or a "tenant's application" [<sup>F32</sup>or an "occupier's application"], in relation to a <sup>F33</sup> . . . 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 <sup>F34</sup> . . . 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 <sup>F35</sup> . . . grant, includes—
  - (a) a secure tenant, introductory tenant or statutory tenant,

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- (b) a protected occupier under the <sup>M2</sup>Rent (Agriculture) Act 1976 or a person in occupation under an assured agricultural occupancy within the meaning of Part I of the <sup>M3</sup>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 <sup>F36</sup> . . . grant, shall be construed accordingly.

#### Textual Amendments

- F29** Words in s. 19(1) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 4(2)(a)**, **Sch. 6** (with art. 11(2))
- F30** S. 19(1)(c) and preceding word 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. 4(2)(b)** (with art. 11(2))
- F31** S. 19(1)(c) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(3)**, 270(3)(a) (with s. 224(9))
- F32** Words in s. 19(2) 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. 4(3)(a)** (with art. 11(2))
- F33** Words in s. 19(2) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 4(3)(b)**, **Sch. 6** (with art. 11(2))
- F34** Words in s. 19(4)(5) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 4(4)**, **Sch. 6** (with art. 11(2))
- F35** Words in s. 19(4)(5) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 4(4)**, **Sch. 6** (with art. 11(2))
- F36** Words in s. 19(4)(5) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 4(4)**, **Sch. 6** (with art. 11(2))

#### Commencement Information

- I3** 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

- M2** 1976 c. 80.
- M3** 1988 c. 50.

## 20 Disabled facilities grants: the disabled occupant.

In this Chapter the “disabled occupant”, in relation to an application for <sup>F37</sup> . . . grant, means the disabled person for whose benefit it is proposed to carry out any of the relevant works.



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### Textual Amendments

**F37** Words in s. 20 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 5(a)**, **Sch. 6** (with art. 11(2))

## 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 <sup>F38</sup> . . . 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 <sup>F39</sup> . . . 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.

### Textual Amendments

**F38** Words in s. 21 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 5(b)**, **Sch. 6** (with art. 11(2))

**F39** Words in s. 21 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 5(b)**, **Sch. 6** (with art. 11(2))

## 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 <sup>F40</sup> . . . grant unless it is accompanied by a tenant’s certificate.
- (2) A “tenant’s certificate”, for the purposes of an application for a <sup>F41</sup> . . . 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 <sup>F42</sup> . . . 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.

### Textual Amendments

**F40** Words in s. 22 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 5(c)**, **Sch. 6** (with art. 11(2))

**F41** Words in s. 22 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 5(c)**, **Sch. 6** (with art. 11(2))

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**F42** Words in s. 22 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 5\(c\)](#), [Sch. 6](#) (with art. 11(2))

### **[<sup>F43</sup>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 [<sup>F44</sup>caravan] (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 [<sup>F45</sup>land] on which the [<sup>F46</sup>caravan] is stationed; or
  - (b) is entitled to dispose of the qualifying houseboat or, as the case may be, the [<sup>F47</sup>caravan].
- (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**

- F43** 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))
- F44** Word in s. 22A(2)(b) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), [ss. 224\(4\)\(a\)](#), 270(3)(a) (with s. 224(9))
- F45** Word in s. 22A(3)(a) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), [ss. 224\(4\)\(b\)](#), 270(3)(a) (with s. 224(9))
- F46** Word in s. 22A(3)(a) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), [ss. 224\(4\)\(a\)](#), 270(3)(a) (with s. 224(9))
- F47** Word in s. 22A(3)(b) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), [ss. 224\(4\)\(a\)](#), 270(3)(a) (with s. 224(9))

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

- (1) The purposes for which an application for a <sup>F48</sup>. . . grant must be approved, subject to the provisions of this Chapter, are the following—
  - (a) facilitating access by the disabled occupant to and from
    - <sup>F49</sup>(i) the dwelling, qualifying houseboat or [<sup>F50</sup>caravan], or
    - (ii) the building in which the dwelling or, as the case may be, flat is situated;
  - (b) making
    - <sup>F51</sup>(i) the dwelling, qualifying houseboat or [<sup>F52</sup>caravan], or

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- (ii) the 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;
  - (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 [<sup>F53</sup>, qualifying houseboat or [<sup>F54</sup>caravan]] to meet the needs of the disabled occupant or, if there is no existing heating system [<sup>F55</sup>there] 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 [<sup>F53</sup>, qualifying houseboat or [<sup>F56</sup>caravan]] in order to enable him to care for a person who is normally resident [<sup>F55</sup>there] and is in need of such care;
  - (l) such other purposes as may be specified by order of the Secretary of State.
- (2) <sup>F57</sup> .....
- (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) <sup>F58</sup> . . . , 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.

#### Textual Amendments

- F48** Words in s. 23(1) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 7(a)(i)**, **Sch. 6** (with art. 11(2))
- F49** Words in s. 23(1)(a) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 7(a)(ii)** (with art. 11(2))
- F50** Word in s. 23(1)(a)(i) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(5)(a)**, 270(3)(a) (with s. 224(9))
- F51** Words in s. 23(1)(b) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 7(a)(iii)** (with art. 11(2))
- F52** Word in s. 23(1)(b)(i) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(5)(a)**, 270(3)(a) (with s. 224(9))

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- F53** Words in s. 23(1)(i)(k) 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. 7(a)(iv)** (with art. 11(2))
- F54** Word in s. 23(1)(i) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(5)(a)**, 270(3)(a) (with s. 224(9))
- F55** Words in s. 23(1)(i)(k) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 7(a)(iv)** (with art. 11(2))
- F56** Word in s. 23(1)(k) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(5)(a)**, 270(3)(a) (with s. 224(9))
- F57** S. 23(2) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), **arts. 1(3)**, 11(1), 15 {Sch. 3 para. 7(b)}, {Sch. 6} (with art. 11(2))
- F58** Words in s. 23(3) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 7(c)**, **Sch. 6** (with art. 11(2))

## 24 Disabled facilities grants: approval of application.

<sup>F59</sup>(1) The local housing authority shall approve an application for a grant for purposes within section 23(1), subject to the following provisions.]

(2) Where an authority entertain an owner's application for a <sup>F60</sup> . . . 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 <sup>F61</sup> . . . 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
  - <sup>F62</sup>(i) the dwelling, qualifying houseboat or <sup>F63</sup>caravan], or
  - (ii) the] 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 <sup>F64</sup> . . . 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 <sup>M4</sup>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 <sup>F65</sup> . . . grant unless they are satisfied that the applicant has a power or is under a duty to carry out the relevant works.

### Textual Amendments

- F59** S. 24(1) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 8(a)** (with art. 11(2))
- F60** Words in s. 24 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 8(c)**, **Sch. 6** (with art. 11(2))

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- F61** Words in s. 24 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 8(c)**, **Sch. 6** (with art. 11(2))
- F62** Words in s. 24(3)(b) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 8(b)** (with art. 11(2))
- F63** Word in s. 24(3)(b)(i) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(5)(b)**, 270(3)(a) (with s. 224(9))
- F64** Words in s. 24 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 8(c)**, **Sch. 6** (with art. 11(2))
- F65** Words in s. 24 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 8(c)**, **Sch. 6** (with art. 11(2))

**Marginal Citations**

- M4** 1985 c. 68.

*HMO grants*

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

**F66** .....

**Textual Amendments**

- F66** [Ss. 25-28](#) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 9**, **Sch. 6** (with art. 11(2))

**26 HMO grants: certificate required to accompany application.**

**F67** .....

**Textual Amendments**

- F67** [Ss. 25-28](#) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 9**, **Sch. 6** (with art. 11(2))

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

**F68** .....

**Textual Amendments**

- F68** [Ss. 25-28](#) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 9**, **Sch. 6** (with art. 11(2))

**28 HMO grants: approval of application.**

**F69** .....

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**Textual Amendments**

**F69** Ss. 25-28 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 9**, **Sch. 6** (with art. 11(2))

*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.

But in determining for the purposes of the application the physical condition of the dwelling [<sup>F70</sup>, qualifying houseboat, [<sup>F71</sup>caravan] or] common parts <sup>F72</sup>. . . concerned, they shall consider the condition of the premises at the date of the application.

- (4) <sup>F73</sup>. . . a local housing authority shall not approve an application for a grant if the relevant works have been completed.
- (5) <sup>F74</sup> . . . . .
- (6) <sup>F75</sup> . . . . .

**Textual Amendments**

**F70** Words in s. 29(3) 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. 10(a)(i)** (with art. 11(2))

**F71** Word in s. 29(3) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(5)(c)**, 270(3)(a) (with s. 224(9))

**F72** Words in s. 29(3) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 10(a)(ii)**, **Sch. 6** (with art. 11(2))

**F73** Words in s. 29(4) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 10(b)**, **Sch. 6** (with art. 11(2))

**F74** S. 29(5) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 10(c)**, **Sch. 6** (with art. 11(2))

**F75** S. 29(6) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 10(c)**, **Sch. 6** (with art. 11(2))

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

- (1) <sup>F76</sup> . . . . .
- (2) <sup>F77</sup> . . . . .

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- (3) <sup>F78</sup> . . . . .
- (4) If in the case of an application for a <sup>F79</sup> . . . 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 <sup>F80</sup> . . . (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, [<sup>F81</sup>his civil partner,] 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.

#### Textual Amendments

- F76** S. 30(1)-(3) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 11(a)**, **Sch. 6** (with art. 11(2))
- F77** S. 30(1)-(3) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 11(a)**, **Sch. 6** (with art. 11(2))
- F78** S. 30(1)-(3) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 11(a)**, **Sch. 6** (with art. 11(2))
- F79** Words in s. 30(4) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 11(b)**, **Sch. 6** (with art. 11(2))
- F80** Words in s. 30(5)(b) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 11(c)**, **Sch. 6** (with art. 11(2))
- F81** Words in s. 30(6)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 62**; S.I. 2005/3175, art. 2(1), Sch. 1

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#### Commencement Information

- I4** 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.

- [<sup>F82</sup>(1) This section applies 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.]
- (2) <sup>F83</sup> .....
- (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.

#### Textual Amendments

- F82** S. 31(1) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), [Sch. 3 para. 12\(a\)](#) (with art. 11(2))
- F83** S. 31(2) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 12\(b\)](#), [Sch. 6](#) (with art. 11(2))

#### Commencement Information

- I5** 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.

- <sup>F84</sup> .....

#### Textual Amendments

- F84** S. 32 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 13](#), [Sch. 6](#) (with art. 11(2))



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### 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 <sup>F85</sup> . . . different circumstances.
- (3) <sup>F86</sup> . . . . .
- (4) An authority may not <sup>F87</sup> . . . pay an amount of grant in excess of a specified maximum amount.

#### Textual Amendments

- F85** Words in s. 33(2) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 14\(a\)](#), [Sch. 6](#) (with art. 11(2))
- F86** S. 33(3) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 14\(b\)](#), [Sch. 6](#) (with art. 11(2))
- F87** Words in s. 33(4) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 14\(c\)](#), [Sch. 6](#) (with art. 11(2))

#### Commencement Information

- I6** 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,

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- (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),
  - (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) [<sup>F88</sup>The local housing authority may approve an application for a grant] 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.

*Status: Point in time view as at 05/12/2005.*

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### Textual Amendments

**F88** Words in s. 36(1) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), [Sch. 3 para. 15](#) (with art. 11(2))

## 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.

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*Changes to legislation: Housing Grants, Construction and Regeneration Act 1996 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**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.

**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 <sup>F89</sup> . . . .

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—
  - [<sup>F90</sup>(a) no grant shall be paid or, as the case may be, no further instalments shall be paid, and
  - (b) 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) <sup>F91</sup> . . . . .

- (4) For the purposes of this section an applicant ceases to be a person entitled to a <sup>F92</sup> . . . 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) <sup>F93</sup> . . . . .

- (6) <sup>F93</sup> . . . . .

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

*Status: Point in time view as at 05/12/2005.*

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#### Textual Amendments

- F89** Words in s. 40(1) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 16(a)**, **Sch. 6** (with art. 11(2))
- F90** Words in s. 40(2) substituted (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), **Sch. 3 para. 16(b)** (with art. 11(2))
- F91** S. 40(3) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 16(c)**, **Sch. 6** (with art. 11(2))
- F92** Words in s. 40(4) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 16(d)**, **Sch. 6** (with art. 11(2))
- F93** S. 40(5)(6) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 16(e)**, **Sch. 6** (with art. 11(2))

#### 41 Change of circumstances affecting disabled occupant.

- (1) This section applies where an application for a <sup>F94</sup> . . . grant has been approved and before the certified date—
- the works cease to be necessary or appropriate to meet the needs of the disabled occupant, or
  - the disabled occupant ceases to occupy the dwelling [<sup>F95</sup>, qualifying houseboat, [<sup>F96</sup>caravan]] or flat concerned or it ceases to be the intention that he should occupy it, or
  - 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—
- that no grant shall be paid or, as the case may be, no further instalments shall be paid,
  - that the relevant works or some of them should be completed and the grant or an appropriate proportion of it paid, or
  - 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.

#### Textual Amendments

- F94** Words in s. 41(1) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 17(a)**, **Sch. 6** (with art. 11(2))

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- F95** Words in s. 41(1)(b) 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. 17(b)** (with art. 11(2))
- F96** Word in s. 41(1)(b) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(5)(d), 270(3)(a)** (with s. 224(9))

## 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—
- (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 <sup>F97</sup> . . . .
- (2) Where this section applies—
- <sup>F98</sup>(a) no grant shall be paid or, as the case may be, no further instalments shall be paid, and
  - (b) 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) <sup>F99</sup> . . . . .
- (4) For the purposes of this section an applicant is not entitled to a <sup>F100</sup> . . . grant—
- (a) in the case of an owner’s application—

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- (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;]<sup>F101</sup> or
- (c) in the case of an occupier’s application, if he does not have the intention specified in the occupier’s certificate which accompanied the application.]
- (5) <sup>F102</sup> .....
- (6) <sup>F102</sup> .....

#### Textual Amendments

- F97** Words in s. 43(1) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 18(a)**, **Sch. 6** (with art. 11(2))
- F98** Words in s. 43(2) substituted (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), **Sch. 3 para. 18(b)** (with art. 11(2))
- F99** S. 43(3) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 18(c)**, **Sch. 6** (with art. 11(2))
- F100** Words in s. 43(4) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 18(d)(i)**, **Sch. 6** (with art. 11(2))
- F101** S. 43(4)(c) and preceding word 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. 18(d)(ii)** (with art. 11(2))
- F102** S. 43(5)(6) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 18(e)**, **Sch. 6** (with art. 11(2))

#### *Grant conditions and repayment*

#### **44 Grant conditions: introductory.**

- (1) [<sup>F103</sup>Sections 51 and 52] have effect with respect to the conditions to be observed where an application for a grant has been approved by a local housing authority.

In this Chapter a “grant condition” means a condition having effect in accordance with [<sup>F104</sup>either] of those sections.

- (2) Except as otherwise provided—
  - (a) <sup>F105</sup> .....
  - (b) <sup>F106</sup> .....
  - (c) a grant condition imposed under section 52 (power to impose other conditions with consent of Secretary of State) has effect for such period as may be specified in, or in accordance with, the Secretary of State’s consent.
- (3) In this Chapter—
  - (a) the “grant condition period” means the period of five years, or such other period as the Secretary of State may by order specify or as may be imposed

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

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

- (4) A local housing authority may not impose any condition requiring a grant to be repaid except in accordance with [F107 sections 51 and 52].

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

#### Textual Amendments

- F103** Words in s. 44(1) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 19(a)(i)** (with art. 11(2))
- F104** Word in s. 44(1) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 19(a)(ii)** (with art. 11(2))
- F105** S. 44(2)(a) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 19(b)**, **Sch. 6** (with art. 11(2))
- F106** S. 44(2)(b) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 19(b)**, **Sch. 6** (with art. 11(2))
- F107** Words in s. 44(4) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 19(c)** (with art. 11(2))

#### Commencement Information

- I7** 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.

F108 .....

#### Textual Amendments

- F108** Ss. 45-50 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 20**, **Sch. 6** (with art. 11(2))

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

F109 .....

#### Textual Amendments

- F109** Ss. 45-50 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 20**, **Sch. 6** (with art. 11(2))



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

F110 .....

**Textual Amendments**

**F110** Ss. 45-50 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 20**, **Sch. 6** (with art. 11(2))

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

F111 .....

**Textual Amendments**

**F111** Ss. 45-50 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 20**, **Sch. 6** (with art. 11(2))

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

F112 .....

**Textual Amendments**

**F112** Ss. 45-50 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 20**, **Sch. 6** (with art. 11(2))

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

F113 .....

**Textual Amendments**

**F113** Ss. 45-50 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11, 15, **Sch. 3 para. 20**, **Sch. 6** (with art. 11(2))

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

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

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

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

#### Commencement Information

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

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

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

and, in either case, that amount may be required to be paid together with compound interest on that amount as from the date of payment, calculated at such reasonable rate as the authority may determine and with yearly rests.
- (2) A condition under this section is a local land charge and is binding on—
  - (a) any person who is for the time being an owner of the dwelling<sup>F114</sup> . . . or building, and
  - (b) such other persons (if any) as the authority may, with the consent of the Secretary of State, specify.
- (3)<sup>F115</sup> .....
- (4) Where the authority have the right to demand repayment of an amount as mentioned in subsection (1), they may determine not to demand payment or to demand a lesser amount.
- (5) Any conditions imposed under this section are in addition to the conditions provided for by [<sup>F116</sup>section 51] .

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#### Textual Amendments

- F114** Word in s. 52(2)(a) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 21\(a\)](#), [Sch. 6](#) (with art. 11(2))
- F115** S. 52(3) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 21\(b\)](#), [Sch. 6](#) (with art. 11(2))
- F116** Words in s. 52(5) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), [Sch. 3 para. 21\(c\)](#) (with art. 11(2))

#### Commencement Information

- I9** 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.

**F117** .....

#### Textual Amendments

- F117** S. 53 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 22](#), [Sch. 6](#) (with art. 11(2))

### 54 Meaning of exempt disposal.

**F118** .....

#### Textual Amendments

- F118** S. 54 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 22](#), [Sch. 6](#) (with art. 11(2)); s. 54 as saved by [S.I. 2002/1860](#), art. 11(2) amended (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), [Sch. 8 para. 63](#); [S.I. 2005/3175](#), art. 2(1), [Sch. 1](#)

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

- (1) If at any time while a grant condition remains in force with respect to a dwelling,  
<sup>F119</sup> . . . or building—
- (a) the owner of the dwelling, <sup>F119</sup> . . . or building to which the condition relates pays the amount of the grant to the local housing authority by whom the grant was made,
  - (b) a mortgagee of the interest of the owner in that dwelling, <sup>F119</sup> . . . or building being a mortgagee entitled to exercise a power of sale, makes such a payment,
  - (c) the local housing authority determine not to demand repayment on the breach of a grant condition, or
  - (d) the authority demand repayment in whole or in part on the breach of a grant condition and that demand is satisfied,

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that grant condition and any other grant conditions shall cease to be in force with respect to that dwelling,<sup>F119</sup> . . . or building.

<sup>F120</sup>(2) . . . . .

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

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

(a) section 73 of the <sup>M5</sup>Settled Land Act 1925,

<sup>F121</sup>(b) . . . . .

(c) section 26 of the <sup>M6</sup>Universities and College Estates Act 1925,

include the making of payments under this section.

#### **Textual Amendments**

**F119** Words in s. 55(1) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 23(a)**, **Sch. 6** (with art. 11(2))

**F120** S. 55(2) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 23(b)**, **Sch. 6** (with art. 11(2))

**F121** 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**

**M5** 1925 c. 18.

**M6** 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—

*Status: Point in time view as at 05/12/2005.*

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- (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).

[<sup>F122</sup>(2) In subsection (1), the reference to a person having the requisite interest is a reference to—

- (a) in the case of a qualifying houseboat or [<sup>F123</sup>caravan], the person who is—
  - (i) entitled to possession of the premises at which the qualifying houseboat is moored or the [<sup>F124</sup>land] on which the [<sup>F123</sup>caravan] is stationed, or
  - (ii) entitled to dispose of the qualifying houseboat or [<sup>F123</sup>caravan], or
- (b) in any other case, the person who has an owner’s interest.]

(3) <sup>F125</sup> .....

#### Textual Amendments

- F122** S. 57(2) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 24(a)** (with art. 11(2))
- F123** Word in s. 57(2)(a) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(6)(a)**, 270(3)(a) (with s. 224(9))
- F124** Word in s. 57(2)(a)(i) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(6)(b)**, 270(3)(a) (with s. 224(9))
- F125** S. 57(3) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 24(b)**, **Sch. 6** (with art. 11(2))

## 58 Minor definitions: Chapter I.

In this Chapter—

[<sup>F126</sup>“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;]

“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 <sup>F127</sup> . . . grant, means an application in respect of works to the common parts of a building containing one or more flats;

<sup>F128</sup> .....

“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.

[<sup>F129</sup>“premises” includes a qualifying houseboat or a [<sup>F130</sup>caravan];]

[<sup>F131</sup>“qualifying houseboat” means a boat or similar structure designed or adapted for use as a place of permanent habitation which—

*Status: Point in time view as at 05/12/2005.*

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- (a) has its only or main mooring within the area of a single local housing authority;
- (b) is moored in pursuance of a right to that mooring; and
- (c) is a dwelling for the purposes of Part 1 of the Local Government Finance Act 1992 (council tax),

and includes any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;]

F132  
...

### Textual Amendments

- F126** Words in s. 58 inserted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(7)(a)**, 270(3)(a) (with s. 224(9))
- F127** In s. 58 in definition of "common parts application" words repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 25(a)**, **Sch. 6** (with art. 11(2))
- F128** In s. 58 definition of "conversion application" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 25(b)**, **Sch. 6** (with art. 11(2))
- F129** In s. 58 definition of "premises" 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. 25(c)** (with art. 11(2))
- F130** Word in s. 58 substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(7)(b)**, 270(3)(a) (with s. 224(9))
- F131** In s. 58 definition of "qualifying houseboat" 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. 25(c)** (with art. 11(2))
- F132** Words in s. 58 repealed (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(7)(c)**, 270(3)(a), **Sch. 16** (with s. 224(9))

59 .

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

F133	F133
...	...
F133	F133
...	...
[ <sup>F134</sup> caravan	section 58]
certified date	section 44(3)(b)
common parts	section 58
common parts application (in relation to	section 58
a	
F135	
... grant)	
F133	F133
...	...

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**Status:** Point in time view as at 05/12/2005.

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F133	F133
. . .	. . .
F133	F133
. . .	. . .
F133	F133
. . .	. . .
disabled occupant	section 20
disabled person	section 100(1) to (3)
dwelling	section 101
F133	F133
. . .	. . .
eligible works	section 34(2)(a)
estimated expense	section 34(2)
F133	F133
. . .	. . .
fit for human habitation	section 97(1)
flat	section 58
grant	section 1(6)
F136	
. . .	
grant condition	section 44(1)
grant condition period	section 44(3)(a)
F133	F133
. . .	. . .
F133	F133
. . .	. . .
housing action trust	section 101
F133	F133
. . .	. . .
introductory tenant	section 101
F133	
. . .	
F133	F133
. . .	. . .
F133	F133
. . .	. . .
local authority	section 101
local housing authority	section 101
F133	F133
. . .	. . .

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member of family	section 98(1)
new town corporation	section 101
[ <sup>F137</sup> occupier's application	section 19(1) and (2)]
F133	F133
...	...
owner	sections 99 and 101
F133	F133
...	...
owner's application	
F138	F138
...	...
—in relation to a	section 19(1) and (2)
F138	
... grant	
owner's certificate (in relation to an	section 21(2)
application for a	
F139	
... grant)	
owner's interest	section 101
F133	F133
...	...
F133	F133
...	...
preliminary or ancillary services and	section 2(3)
charges	
[ <sup>F140</sup> premises	section 58]
prescribed	section 101
[ <sup>F141</sup> qualifying houseboat	section 58]
qualifying owner's interest	
F142	F142
...	...
—in relation to an application for a	section 19(4)
F142	
... grant	
F142	F142
...	...
F143	F143
...	...
qualifying tenant	
F144	F144
...	...



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–in relation to an application for a F144	section 19(4)
... grant	
F133	F133
...	...
F133	F133
...	...
F133	F133
...	...
relevant works (in relation to a grant application)	section 2(2)(a)
F133	F133
...	...
F133	F133
...	...
F145	section 101
... secure tenant	
social services authority	section 100(4)
F146	section 101
... statutory tenant	
tenancy and tenant (generally)	section 101
tenant (and expressions relating to tenancies)	
F147	F147
...	...
F147	F147
...	...
F147	F147
...	...
–in the context of an application for F147	section 19(5)
... grant	
tenant’s application	
F148	F148
...	...
–in relation to a F148	section 19(1) and (2)
... grant	
F133	F133
...	...
tenant’s certificate	
F149	F149
...	...

*Status: Point in time view as at 05/12/2005.*

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–for the purposes of an application for section 22(2)

a  
F149

. . . grant

urban development corporation

section 101

### Textual Amendments

- F133** S. 59: entries repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 26(a)**, **Sch. 6** (with art. 11(2))
- F134** Words in s. 59 inserted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(8)(a)**, 270(3)(a) (with s. 224(9))
- F135** S. 59: words in entry relating to "common parts application" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 26(b)**, **Sch. 6** (with art. 11(2))
- F136** S. 59: words in entry relating to "grant" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 26(c)**, **Sch. 6** (with art. 11(2))
- F137** S. 59: entry 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. 26(m)** (with art. 11(2))
- F138** S. 59: words in entry relating to "owner's application" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 26(d)**, **Sch. 6** (with art. 11(2))
- F139** S. 59: words in entry relating to "owner's certificate" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 26(e)**, **Sch. 6** (with art. 11(2))
- F140** S. 59: entry 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. 26(m)** (with art. 11(2))
- F141** S. 59: entry 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. 26(m)** (with art. 11(2))
- F142** S. 59: words in entry relating to "qualifying owner's interest" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 26(f)**, **Sch. 6** (with art. 11(2))
- F143** Words in s. 59 repealed (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 224(8)(b)**, 270(3)(a), **Sch. 16** (with s. 224(9))
- F144** S. 59: words in entry relating to "qualifying tenant" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 26(g)**, **Sch. 6** (with art. 11(2))
- F145** S. 59: words in entry relating to "secure tenancy and secure tenant" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 26(h)**, **Sch. 6** (with art. 11(2))
- F146** S. 59: words in entry relating to "statutory tenancy and statutory tenant" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 26(i)**, **Sch. 6** (with art. 11(2))
- F147** S. 59: words in entry relating to "tenant (and expressions relating to tenancies)" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 26(j)**, **Sch. 6** (with art. 11(2))
- F148** S. 59: words in entry relating to "tenant's application" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 26(k)**, **Sch. 6** (with art. 11(2))

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**F149** S. 59: words in entry relating to "tenant's certificate" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 26(1), Sch. 6** (with art. 11(2))

**F150F150** CHAPTER II

**Textual Amendments**

**F150** Pt. 1 Ch. 2 (ss. 60-75) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 27, Sch. 6** (with art. 11(2))

*Introductory*

.....

*Participation in group repair scheme*

.....

*Variation of group repair scheme*

.....

*Conditions of participation*

.....

*Supplementary provisions*

.....

**F157F157** CHAPTER III

**Textual Amendments**

**F157** Pt. 1 Ch. 3 (ss. 76-80) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 27, Sch. 6** (with art. 11(2))

*Status: Point in time view as at 05/12/2005.*

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## 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
  - (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 <sup>M15</sup>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.

*Status: Point in time view as at 05/12/2005.*

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- (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

M15 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 <sup>M16</sup>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 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
  - 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)

C3 S. 83(2) amended (17.12.1996) by S.I. 1996/2885, art. 4(1)

#### Marginal Citations

M16 1985 c. 68.

*Status: Point in time view as at 05/12/2005.*

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#### **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.

- (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 <sup>M17</sup>Housing Act 1985 (supplementary provisions as to guidance) apply in relation to such guidance.

##### **Commencement Information**

**I16** 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**

**M17** 1985 c. 68.

*Status: Point in time view as at 05/12/2005.*

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*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—

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- (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 <sup>M18</sup>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) 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.



*Status: Point in time view as at 05/12/2005.*

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#### Commencement Information

**I17** 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

**M18** 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 <sup>M19</sup>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 <sup>M20</sup>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

**M19** 1985 c. 68.

**M20** 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—

*Status: Point in time view as at 05/12/2005.*

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- (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)
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

*Status: Point in time view as at 05/12/2005.*

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## 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**

**I18** 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.

*Status: Point in time view as at 05/12/2005.*

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- (2) <sup>F159</sup> .....
- (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.

#### Textual Amendments

**F159** S. 93(2) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 29**, **Sch. 6** (with art. 11(2))

#### *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) <sup>F160</sup> .....
- (b) section 34(6)(b), 44(3)(a), 51 or 52 (conditions imposed with consent of Secretary of State),

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.

#### Textual Amendments

**F160** S. 94(a) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 30**, **Sch. 6** (with art. 11(2))

#### *Parsonages, charities, &c.*

#### 95 Parsonages, charities, &c.

- (1) [<sup>F161</sup>Sections 19 and 21 to 22A (conditions for application for grant)] 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) <sup>F162</sup> .....

*Status: Point in time view as at 05/12/2005.*

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- (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) <sup>F162</sup> .....
- (5) <sup>F162</sup> .....
- (6) In this section “charity” does not include a registered social landlord but otherwise has the same meaning as in the <sup>M21</sup>Charities Act 1993.

**Textual Amendments**

- F161** Words in s. 95(1) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 31(a)** (with art. 11(2))
- F162** S. 95(2)(4)(5) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 31(b)**, **Sch. 6** (with art. 11(2))

**Marginal Citations**

- M21** 1993 c. 10.

*Interpretation*

<sup>F163</sup>**96** **Meaning of “reasonable repair”.**

.....

**Textual Amendments**

- F163** S. 96 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 32**, **Sch. 6** (with art. 11(2))

**97** **Fitness for human habitation.**

- (1) Section 604 of the <sup>M22</sup>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.

*Status: Point in time view as at 05/12/2005.*

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#### Marginal Citations

**M22** 1985 c. 68.

### 98 Members of a person’s family and connected persons.

- (1) Section 113 of the <sup>M23</sup>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) <sup>F164</sup>.....

#### Textual Amendments

**F164** S. 98(2) repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 33**, **Sch. 6** (with art. 11(2))

#### Marginal Citations

**M23** 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
  - (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—

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- (a) he is registered in pursuance of any arrangements made under section 29(1) of the <sup>M24</sup>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 <sup>M25</sup>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 <sup>M26</sup>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 <sup>M27</sup>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 <sup>M28</sup>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**

- M24** 1948 c. 29.
- M25** 1989 c. 41.
- M26** 1989 c. 41.
- M27** 1970 c. 42.
- M28** 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;

<sup>F165</sup>  
.....  
<sup>F165</sup>  
.....

“housing action trust” means a housing action trust established under Part III of the <sup>M29</sup>Housing Act 1988 and includes any body established by order under section 88 of the Housing Act 1988;

<sup>F165</sup>  
.....

“introductory tenancy” and “introductory tenant” have the same meaning as in Chapter I of Part V of the <sup>M30</sup>Housing Act 1996;

“local authority” and “local housing authority” have the same meaning as in the <sup>M31</sup>Housing Act 1985;

<sup>F165</sup>  
.....

“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 <sup>M32</sup>New Towns Act 1981;

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“owner”, in relation to a dwelling, has the meaning given by section 99  
<sup>F166</sup> . . . ;

“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;

<sup>F165</sup> . . . . .

“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;

[<sup>F167</sup>“secure tenant” has] the same meaning as in Part IV of the <sup>M33</sup>Housing Act 1985;

[<sup>F168</sup>“statutory tenant” means a] statutory tenant within the meaning of the <sup>M34</sup>Rent Act 1977 or the <sup>M35</sup>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;

“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 <sup>M36</sup>Local Government, Planning and Land Act 1980.

#### Textual Amendments

- F165** S. 101: definitions repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 34(a)**, **Sch. 6** (with art. 11(2))
- F166** S. 101: words in definition of "owner" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 34(b)**, **Sch. 6** (with art. 11(2))
- F167** S. 101: words in definition of "secure tenancy" and "secure tenant" substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 34(c)** (with art. 11(2))
- F168** S. 101: words in definition of "statutory tenancy" and "statutory tenant" substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 34(d)** (with art. 11(2))

#### Commencement Information

- I19** 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

- M29** 1988 c. 50.  
**M30** 1996 c. 52.  
**M31** 1985 c. 68.



*Status: Point in time view as at 05/12/2005.*

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- M32** 1981 c. 64.
- M33** 1985 c. 68.
- M34** 1977 c. 42.
- M35** 1976 c. 80.
- M36** 1980 c. 65.

### *Transitional and consequential provisions*

#### **102 Transitional provisions.**

- (1) The provisions of [<sup>F169</sup>Chapter 1] of this Part have effect in place of Part VIII of the <sup>M37</sup>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.

#### **Textual Amendments**

**F169** Words in s. 102(1) substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 35** (with art. 11(2))

#### **Commencement Information**

**I20** 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**

*Status: Point in time view as at 05/12/2005.*

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#### Marginal Citations

M37 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.

## PART II

### CONSTRUCTION CONTRACTS

#### *Introductory provisions*

### 104 Construction contracts.

- (1) In this Part a “construction contract” means an agreement with a person for any of the following—
- (a) the carrying out of construction operations;
  - (b) arranging for the carrying out of construction operations by others, whether under sub-contract to him or otherwise;
  - (c) providing his own labour, or the labour of others, for the carrying out of construction operations.

- (2) References in this Part to a construction contract include an agreement—
- (a) to do architectural, design, or surveying work, or
  - (b) to provide advice on building, engineering, interior or exterior decoration or on the laying-out of landscape,
- in relation to construction operations.

- (3) References in this Part to a construction contract do not include a contract of employment (within the meaning of the <sup>M38</sup>Employment Rights Act 1996).

- (4) The Secretary of State may by order add to, amend or repeal any of the provisions of subsection (1), (2) or (3) as to the agreements which are construction contracts for the purposes of this Part or are to be taken or not to be taken as included in references to such contracts.

No such order shall be made unless a draft of it has been laid before and approved by a resolution of each of House of Parliament.

- (5) Where an agreement relates to construction operations and other matters, this Part applies to it only so far as it relates to construction operations.

An agreement relates to construction operations so far as it makes provision of any kind within subsection (1) or (2).

- (6) This Part applies only to construction contracts which—
- (a) are entered into after the commencement of this Part, and
  - (b) relate to the carrying out of construction operations in England, Wales or Scotland.

*Status: Point in time view as at 05/12/2005.*

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- (7) This Part applies whether or not the law of England and Wales or Scotland is otherwise the applicable law in relation to the contract.

#### Commencement Information

**I21** S. 104 wholly in force; s. 104 not in force at Royal Assent see s. 150; s. 104 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, art. 2(2); s. 104 in force insofar as not already in force at 1.5.1998 by (E.W.) S.I. 1998/650, art. 2 and (S.) S.I. 1998/894, art. 2

#### Marginal Citations

**M38** 1996 c. 18.

### 105 Meaning of “construction operations”.

- (1) In this Part “construction operations” means, subject as follows, operations of any of the following descriptions—
- (a) construction, alteration, repair, maintenance, extension, demolition or dismantling of buildings, or structures forming, or to form, part of the land (whether permanent or not);
  - (b) construction, alteration, repair, maintenance, extension, demolition or dismantling of any works forming, or to form, part of the land, including (without prejudice to the foregoing) walls, roadworks, power-lines, [<sup>F170</sup>electronic communications apparatus], aircraft runways, docks and harbours, railways, inland waterways, pipe-lines, reservoirs, water-mains, wells, sewers, industrial plant and installations for purposes of land drainage, coast protection or defence;
  - (c) installation in any building or structure of fittings forming part of the land, including (without prejudice to the foregoing) systems of heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, water supply or fire protection, or security or communications systems;
  - (d) external or internal cleaning of buildings and structures, so far as carried out in the course of their construction, alteration, repair, extension or restoration;
  - (e) operations which form an integral part of, or are preparatory to, or are for rendering complete, such operations as are previously described in this subsection, including site clearance, earth-moving, excavation, tunnelling and boring, laying of foundations, erection, maintenance or dismantling of scaffolding, site restoration, landscaping and the provision of roadways and other access works;
  - (f) painting or decorating the internal or external surfaces of any building or structure.
- (2) The following operations are not construction operations within the meaning of this Part—
- (a) drilling for, or extraction of, oil or natural gas;
  - (b) extraction (whether by underground or surface working) of minerals; tunnelling or boring, or construction of underground works, for this purpose;
  - (c) assembly, installation or demolition of plant or machinery, or erection or demolition of steelwork for the purposes of supporting or providing access to plant or machinery, on a site where the primary activity is—

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Housing Grants, Construction and Regeneration Act 1996 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (i) nuclear processing, power generation, or water or effluent treatment, or
  - (ii) the production, transmission, processing or bulk storage (other than warehousing) of chemicals, pharmaceuticals, oil, gas, steel or food and drink;
  - (d) manufacture or delivery to site of—
    - (i) building or engineering components or equipment,
    - (ii) materials, plant or machinery, or
    - (iii) components for systems of heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, water supply or fire protection, or for security or communications systems, except under a contract which also provides for their installation;
  - (e) the making, installation and repair of artistic works, being sculptures, murals and other works which are wholly artistic in nature.
- (3) The Secretary of State may by order add to, amend or repeal any of the provisions of subsection (1) or (2) as to the operations and work to be treated as construction operations for the purposes of this Part.
- (4) No such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

#### Textual Amendments

**F170** Words in s. 105(1)(b) substituted (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 408(6), 411(2), **Sch. 17 para. 137** (with Sch. 18); S.I. 2003/1900, art. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, **art. 1(3)**); S.I. 2003/3142, **art. 3(2)** (with art. 11)

#### Commencement Information

**I22** S. 105 wholly in force; s. 105 not in force at Royal Assent see s. 150; s. 105 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 105 in force insofar as not already in force at 1.5.1998 by (E.W.) S.I. 1998/650, **art. 2** and (S.) S.I. 1998/894, **art. 2**

## 106 Provisions not applicable to contract with residential occupier.

- (1) This Part does not apply—
- (a) to a construction contract with a residential occupier (see below), or
  - (b) to any other description of construction contract excluded from the operation of this Part by order of the Secretary of State.
- (2) A construction contract with a residential occupier means a construction contract which principally relates to operations on a dwelling which one of the parties to the contract occupies, or intends to occupy, as his residence.

In this subsection “dwelling” means a dwelling-house or a flat; and for this purpose—  
 “dwelling-house” does not include a building containing a flat; and  
 “flat” means separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which the premises are divided horizontally.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Housing Grants, Construction and Regeneration Act 1996 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The Secretary of State may by order amend subsection (2).
- (4) No order under this section shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

#### Commencement Information

**I23** S. 106 wholly in force; s. 106 not in force at Royal Assent see s. 150; s. 106 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, art. 2(2); s. 106 in force insofar as not already in force at 1.5.1998 by (E.W.) S.I. 1998/650, art. 2 and (S.) S.I. 1998/894, art. 2

### 107 Provisions applicable only to agreements in writing.

- (1) The provisions of this Part apply only where the construction contract is in writing, and any other agreement between the parties as to any matter is effective for the purposes of this Part only if in writing.

The expressions “agreement”, “agree” and “agreed” shall be construed accordingly.

- (2) There is an agreement in writing—
  - (a) if the agreement is made in writing (whether or not it is signed by the parties),
  - (b) if the agreement is made by exchange of communications in writing, or
  - (c) if the agreement is evidenced in writing.
- (3) Where parties agree otherwise than in writing by reference to terms which are in writing, they make an agreement in writing.
- (4) An agreement is evidenced in writing if an agreement made otherwise than in writing is recorded by one of the parties, or by a third party, with the authority of the parties to the agreement.
- (5) An exchange of written submissions in adjudication proceedings, or in arbitral or legal proceedings in which the existence of an agreement otherwise than in writing is alleged by one party against another party and not denied by the other party in his response constitutes as between those parties an agreement in writing to the effect alleged.
- (6) References in this Part to anything being written or in writing include its being recorded by any means.

#### Commencement Information

**I24** S. 107 wholly in force; s. 107 not in force at Royal Assent see s. 150; s. 107 in force at 1.5.1998 by (E.W.) S.I. 1998/650, art. 2 and (S.) S.I. 1998/894, art. 2

### *Adjudication*

### 108 Right to refer disputes to adjudication.

- (1) A party to a construction contract has the right to refer a dispute arising under the contract for adjudication under a procedure complying with this section.

For this purpose “dispute” includes any difference.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Housing Grants, Construction and Regeneration Act 1996 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The contract shall—

- (a) enable a party to give notice at any time of his intention to refer a dispute to adjudication;
- (b) provide a timetable with the object of securing the appointment of the adjudicator and referral of the dispute to him within 7 days of such notice;
- (c) require the adjudicator to reach a decision within 28 days of referral or such longer period as is agreed by the parties after the dispute has been referred;
- (d) allow the adjudicator to extend the period of 28 days by up to 14 days, with the consent of the party by whom the dispute was referred;
- (e) impose a duty on the adjudicator to act impartially; and
- (f) enable the adjudicator to take the initiative in ascertaining the facts and the law.

(3) The contract shall provide that the decision of the adjudicator is binding until the dispute is finally determined by legal proceedings, by arbitration (if the contract provides for arbitration or the parties otherwise agree to arbitration) or by agreement.

The parties may agree to accept the decision of the adjudicator as finally determining the dispute.

(4) The contract shall also provide that the adjudicator is not liable for anything done or omitted in the discharge or purported discharge of his functions as adjudicator unless the act or omission is in bad faith, and that any employee or agent of the adjudicator is similarly protected from liability.

(5) If the contract does not comply with the requirements of subsections (1) to (4), the adjudication provisions of the Scheme for Construction Contracts apply.

(6) For England and Wales, the Scheme may apply the provisions of the <sup>M39</sup> Arbitration Act 1996 with such adaptations and modifications as appear to the Minister making the scheme to be appropriate.

For Scotland, the Scheme may include provision conferring powers on courts in relation to adjudication and provision relating to the enforcement of the adjudicator's decision.

**Commencement Information**

**I25** S. 108 wholly in force; s. 108 not in force at Royal Assent see s. 150; s. 108 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, art. 2(2); s. 108 in force insofar as not already in force at 1.5.1998 by (E.W.) S.I. 1998/650, art. 2 and (S.) S.I. 1998/894, art. 2

**Marginal Citations**

**M39** 1996 c. 23.

*Payment*

**109 Entitlement to stage payments.**

- (1) A party to a construction contract is entitled to payment by instalments, stage payments or other periodic payments for any work under the contract unless—

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Housing Grants, Construction and Regeneration Act 1996 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) it is specified in the contract that the duration of the work is to be less than 45 days, or
  - (b) it is agreed between the parties that the duration of the work is estimated to be less than 45 days.
- (2) The parties are free to agree the amounts of the payments and the intervals at which, or circumstances in which, they become due.
- (3) In the absence of such agreement, the relevant provisions of the Scheme for Construction Contracts apply.
- (4) References in the following sections to a payment under the contract include a payment by virtue of this section.

#### Commencement Information

**I26** S. 109 wholly in force; s. 109 not in force at Royal Assent see s. 150; s. 109 in force at 1.5.1998 by (E.W.) [S.I. 1998/650, art. 2](#) and (S.) [S.I. 1998/894, art. 2](#)

### 110 Dates for payment.

- (1) Every construction contract shall—
  - (a) provide an adequate mechanism for determining what payments become due under the contract, and when, and
  - (b) provide for a final date for payment in relation to any sum which becomes due.

The parties are free to agree how long the period is to be between the date on which a sum becomes due and the final date for payment.

- (a) the other party had carried out his obligations under the contract, and
  - (b) no set-off or abatement was permitted by reference to any sum claimed to be due under one or more other contracts,specifying the amount (if any) of the payment made or proposed to be made, and the basis on which that amount was calculated.
- (3) If or to the extent that a contract does not contain such provision as is mentioned in subsection (1) or (2), the relevant provisions of the Scheme for Construction Contracts apply.

#### Commencement Information

**I27** S. 110 wholly in force; s. 110 not in force at Royal Assent see s. 150; s. 110 in force at 1.5.1998 by (E.W.) [S.I. 1998/650, art. 2](#) and (S.) [S.I. 1998/894, art. 2](#)

### 111 Notice of intention to withhold payment.

- (1) A party to a construction contract may not withhold payment after the final date for payment of a sum due under the contract unless he has given an effective notice of intention to withhold payment.

*Status: Point in time view as at 05/12/2005.*

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The notice mentioned in section 110(2) may suffice as a notice of intention to withhold payment if it complies with the requirements of this section.

- (2) To be effective such a notice must specify—
- (a) the amount proposed to be withheld and the ground for withholding payment, or
  - (b) if there is more than one ground, each ground and the amount attributable to it, and must be given not later than the prescribed period before the final date for payment.
- (3) The parties are free to agree what that prescribed period is to be.

In the absence of such agreement, the period shall be that provided by the Scheme for Construction Contracts.

- (4) Where an effective notice of intention to withhold payment is given, but on the matter being referred to adjudication it is decided that the whole or part of the amount should be paid, the decision shall be construed as requiring payment not later than—
- (a) seven days from the date of the decision, or
  - (b) the date which apart from the notice would have been the final date for payment,
- whichever is the later.

#### **Commencement Information**

**I28** S. 111 wholly in force; s. 111 not in force at Royal Assent see s. 150; s. 111 in force at 1.5.1998 by (E.W.) [S.I. 1998/650, art. 2](#) and (S.) [S.I. 1998/894, art. 2](#)

## **112 Right to suspend performance for non-payment.**

- (1) Where a sum due under a construction contract is not paid in full by the final date for payment and no effective notice to withhold payment has been given, the person to whom the sum is due has the right (without prejudice to any other right or remedy) to suspend performance of his obligations under the contract to the party by whom payment ought to have been made (“the party in default”).
- (2) The right may not be exercised without first giving to the party in default at least seven days’ notice of intention to suspend performance, stating the ground or grounds on which it is intended to suspend performance.
- (3) The right to suspend performance ceases when the party in default makes payment in full of the amount due.
- (4) Any period during which performance is suspended in pursuance of the right conferred by this section shall be disregarded in computing for the purposes of any contractual time limit the time taken, by the party exercising the right or by a third party, to complete any work directly or indirectly affected by the exercise of the right.

Where the contractual time limit is set by reference to a date rather than a period, the date shall be adjusted accordingly.



*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Housing Grants, Construction and Regeneration Act 1996 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I29** S. 112 wholly in force; s. 112 not in force at Royal Assent see s. 150; s. 112 in force at 1.5.1998 by (E.W.) [S.I. 1998/650, art. 2](#) and (S.) [S.I. 1998/894, art. 2](#)

### 113 Prohibition of conditional payment provisions.

- (1) A provision making payment under a construction contract conditional on the payer receiving payment from a third person is ineffective, unless that third person, or any other person payment by whom is under the contract (directly or indirectly) a condition of payment by that third person, is insolvent.
- (2) For the purposes of this section a company becomes insolvent—
  - <sup>[F171]</sup>(a) when it enters administration within the meaning of Schedule B1 to the Insolvency Act 1986,
  - (b) on the appointment of an administrative receiver or a receiver or manager of its property under Chapter I of Part III of that Act, or the appointment of a receiver under Chapter II of that Part,
  - (c) on the passing of a resolution for voluntary winding-up without a declaration of solvency under section 89 of that Act, or
  - (d) on the making of a winding-up order under Part IV or V of that Act.
- (3) For the purposes of this section a partnership becomes insolvent—
  - (a) on the making of a winding-up order against it under any provision of the Insolvency Act 1986 as applied by an order under section 420 of that Act, or
  - (b) when sequestration is awarded on the estate of the partnership under section 12 of the <sup>M40</sup>Bankruptcy (Scotland) Act 1985 or the partnership grants a trust deed for its creditors.
- (4) For the purposes of this section an individual becomes insolvent—
  - (a) on the making of a bankruptcy order against him under Part IX of the <sup>M41</sup>Insolvency Act 1986, or
  - (b) on the sequestration of his estate under the Bankruptcy (Scotland) Act 1985 or when he grants a trust deed for his creditors.
- (5) A company, partnership or individual shall also be treated as insolvent on the occurrence of any event corresponding to those specified in subsection (2), (3) or (4) under the law of Northern Ireland or of a country outside the United Kingdom.
- (6) Where a provision is rendered ineffective by subsection (1), the parties are free to agree other terms for payment.

In the absence of such agreement, the relevant provisions of the Scheme for Construction Contracts apply.

#### Textual Amendments

**F171** S. 113(2)(a) substituted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), [Sch. para. 30](#) (with art. 6)

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Housing Grants, Construction and Regeneration Act 1996 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I30** S. 113 wholly in force; s. 113 not in force at Royal Assent see s. 150; s. 113 in force at 1.5.1998 by (E.W.) S.I. 1998/650, **art. 2** and (S.) S.I. 1998/894, **art. 2**

#### Marginal Citations

**M40** 1985 c. 66.

**M41** 1986 c. 45.

### Supplementary provisions

#### 114 The Scheme for Construction Contracts.

- (1) The Minister shall by regulations make a scheme (“the Scheme for Construction Contracts”) containing provision about the matters referred to in the preceding provisions of this Part.
- (2) Before making any regulations under this section the Minister shall consult such persons as he thinks fit.
- (3) In this section “the Minister” means—
  - (a) for England and Wales, the Secretary of State, and
  - (b) for Scotland, the Lord Advocate.
- (4) Where any provisions of the Scheme for Construction Contracts apply by virtue of this Part in default of contractual provision agreed by the parties, they have effect as implied terms of the contract concerned.
- (5) Regulations under this section shall not be made unless a draft of them has been approved by resolution of each House of Parliament.

#### Modifications etc. (not altering text)

**C4** S. 114: Functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by S.I. 1999/678, **arts. 2, 3, Sch.** (with **art. 7**)

#### Commencement Information

**I31** S. 114 wholly in force; s. 114 not in force at Royal Assent see s. 150; s. 114 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 114 in force insofar as not already in force at 1.5.1998 by (E.W.) S.I. 1998/650, **art. 2** and (S.) S.I. 1998/894, **art. 2**

#### 115 Service of notices, &c.

- (1) The parties are free to agree on the manner of service of any notice or other document required or authorised to be served in pursuance of the construction contract or for any of the purposes of this Part.
- (2) If or to the extent that there is no such agreement the following provisions apply.
- (3) A notice or other document may be served on a person by any effective means.

*Status: Point in time view as at 05/12/2005.*

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- (4) If a notice or other document is addressed, pre-paid and delivered by post—
- (a) to the addressee's last known principal residence or, if he is or has been carrying on a trade, profession or business, his last known principal business address, or
  - (b) where the addressee is a body corporate, to the body's registered or principal office,
- it shall be treated as effectively served.
- (5) This section does not apply to the service of documents for the purposes of legal proceedings, for which provision is made by rules of court.
- (6) References in this Part to a notice or other document include any form of communication in writing and references to service shall be construed accordingly.

#### Commencement Information

**I32** S. 115 wholly in force; s. 115 not in force at Royal Assent see s. 150; s. 115 in force at 1.5.1998 by (E.W.) S.I. 1998/650, art. 2 and (S.) S.I. 1998/894, art. 2

### 116 Reckoning periods of time.

- (1) For the purposes of this Part periods of time shall be reckoned as follows.
- (2) Where an act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.
- (3) Where the period would include Christmas Day, Good Friday or a day which under the <sup>M42</sup>Banking and Financial Dealings Act 1971 is a bank holiday in England and Wales or, as the case may be, in Scotland, that day shall be excluded.

#### Commencement Information

**I33** S. 116 wholly in force; s. 116 not in force at Royal Assent see s. 150; s. 116 in force at 1.5.1998 by (E.W.) S.I. 1998/650, art. 2 and (S.) S.I. 1998/894, art. 2

#### Marginal Citations

**M42** 1971 c. 80.

### 117 Crown application.

- (1) This Part applies to a construction contract entered into by or on behalf of the Crown otherwise than by or on behalf of Her Majesty in her private capacity.
- (2) This Part applies to a construction contract entered into on behalf of the Duchy of Cornwall notwithstanding any Crown interest.
- (3) Where a construction contract is entered into by or on behalf of Her Majesty in right of the Duchy of Lancaster, Her Majesty shall be represented, for the purposes of any adjudication or other proceedings arising out of the contract by virtue of this Part, by the Chancellor of the Duchy or such person as he may appoint.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Housing Grants, Construction and Regeneration Act 1996 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) Where a construction contract is entered into on behalf of the Duchy of Cornwall, the Duke of Cornwall or the possessor for the time being of the Duchy shall be represented, for the purposes of any adjudication or other proceedings arising out of the contract by virtue of this Part, by such person as he may appoint.

#### Commencement Information

**I34** S. 117 wholly in force; s. 117 not in force at Royal Assent see s. 150; s. 117 in force at 1.5.1998 by (E.W.) S.I. 1998/650, art. 2 and (S.) S.I. 1998/894, art. 2

### <sup>F172</sup>PART III

#### Textual Amendments

**F172** Ss. 118-125 (Pt. III) repealed (21.7.1997) by 1997 c. 22, s. 27, Sch. 3 (with Sch. 2); S.I. 1997/1672, art. 2

### PART IV

#### GRANTS &C. FOR REGENERATION, DEVELOPMENT AND RELOCATION

##### *Financial assistance for regeneration and development*

#### **126 Power of Secretary of State to give financial assistance for regeneration and development.**

- (1) The Secretary of State may, with the consent of the Treasury, give financial assistance to any person in respect of expenditure incurred in connection with activities which contribute to the regeneration or development of an area.
- (2) Activities which contribute to the regeneration or development of an area include, in particular—
  - (a) securing that land and buildings are brought into effective use;
  - (b) contributing to, or encouraging, economic development;
  - (c) creating an attractive and safe environment;
  - (d) preventing crime or reducing the fear of crime;
  - (e) providing or improving housing or social and recreational facilities, for the purpose of encouraging people to live or work in the area or of benefiting people who live there;
  - (f) providing employment for local people;
  - (g) providing or improving training, educational facilities or health services for local people;
  - (h) assisting local people to make use of opportunities for education, training or employment;
  - (i) benefiting local people who have special needs because of disability or because of their sex or the racial group to which they belong.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Housing Grants, Construction and Regeneration Act 1996 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) In subsection (2)—
- “local people”, in relation to an area, means people who live or work in the area; and
  - “racial group” has the same meaning as in the <sup>M51</sup>Race Relations Act 1976.

**Marginal Citations**

M51 1976 c. 74.

**127 Regeneration and development: forms of assistance.**

- (1) Financial assistance under section 126 (powers of Secretary of State to give financial assistance) may be given in any form.
- (2) Assistance may, in particular, be given by way of—
  - (a) grants,
  - (b) loans,
  - (c) guarantees, or
  - (d) incurring expenditure for the benefit of the person assisted.
- (3) The Secretary of State must not, in giving financial assistance under section 126, purchase loan or share capital in a company.

**128 Regeneration and development: terms on which assistance is given.**

- (1) Financial assistance under section 126 may be given on such terms as the Secretary of State, with the consent of the Treasury, considers appropriate.
- (2) The terms may, in particular, include provision as to—
  - (a) circumstances in which the assistance is to be repaid, or otherwise made good, to the Secretary of State, and the manner in which that is to be done; or
  - (b) circumstances in which the Secretary of State is entitled to recover the proceeds or part of the proceeds of any disposal of land or buildings in respect of which assistance was provided.
- (3) The person receiving assistance must comply with the terms on which it is given, and compliance may be enforced by the Secretary of State.

**129 Regeneration and development: consequential amendment.**

In section 175(2)(b) of the <sup>M52</sup>Leasehold Reform, Housing and Urban Development Act 1993, for the words from “sections 27 to 29” to the end, substitute “ sections 126 to 128 of the Housing Grants, Construction and Regeneration Act 1996 (financial assistance for regeneration and development) ”.

**Marginal Citations**

M52 1993 c. 28.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Housing Grants, Construction and Regeneration Act 1996 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### 130 **Regeneration and development: Welsh Development Agency.**

(1) In the <sup>M53</sup>Welsh Development Agency Act 1975, after section 10 insert—

#### **“10A Financial assistance for regeneration and development.**

- (1) The Secretary of State may appoint the Agency to act as his agent in connection with such of his functions mentioned in subsection (2) below as he may specify.
- (2) The functions are—
  - (a) functions under sections 126 to 128 of the Housing Grants, Construction and Regeneration Act 1996 (financial assistance for regeneration and development), so far as they relate to—
    - (i) financial assistance which the Agency has power to give apart from this section; or
    - (ii) financial assistance given under that Act in pursuance of an agreement entered into by the Secretary of State for Wales before the coming into force of this section, or
  - (b) functions of the Secretary of State in relation to financial assistance given by the Secretary of State for Wales under sections 27 to 29 of the Housing and Planning Act 1986.
- (3) An appointment under this section shall be on such terms as the Secretary of State, with the approval of the Treasury, may specify; and the Agency shall act under the appointment in accordance with those terms.
- (4) The Agency’s powers in relation to functions under an appointment under this section include the powers it has in relation to functions under subsection (3) of section 1 by virtue of subsections (6) and (7) of that section.”

(2) In section 2(8) of that Act, after “declared that” insert “ , except as provided by section 10A below, ”.

#### **Marginal Citations**

**M53** 1975 c. 70.

#### *Relocation grants in clearance areas*

### 131 **Resolution by local housing authority to pay relocation grants.**

F173

#### **Textual Amendments**

**F173** Ss. 131-140 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), **arts. 1(3), 11(1), 15** {Sch. 3 para. 36}, {Sch. 6} (with art. 11(2))

*Status: Point in time view as at 05/12/2005.*

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### **132 Relocation grants: applications and payments.**

F174 .....

#### **Textual Amendments**

**F174** Ss. 131-140 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), [arts. 1\(3\), 11\(1\), 15](#) {Sch. 3 para. 36}, {Sch. 6} (with art. 11(2))

### **133 Relocation grants: qualifying persons and qualifying dwellings.**

F175 .....

#### **Textual Amendments**

**F175** Ss. 131-140 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), [arts. 1\(3\), 11\(1\), 15](#) {Sch. 3 para. 36}, {Sch. 6} (with art. 11(2))

### **134 Relocation grants: amount.**

F176 .....

#### **Textual Amendments**

**F176** Ss. 131-140 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), [arts. 1\(3\), 11\(1\), 15](#) {Sch. 3 para. 36}, {Sch. 6} (with art. 11(2))

### **135 Relocation grants: condition for repayment on disposal.**

F177 .....

#### **Textual Amendments**

**F177** Ss. 131-140 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), [arts. 1\(3\), 11\(1\), 15](#) {Sch. 3 para. 36}, {Sch. 6} (with art. 11(2))

### **136 Relocation grants: conditions as to owner-occupation.**

F178 .....

#### **Textual Amendments**

**F178** Ss. 131-140 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), [arts. 1\(3\), 11\(1\), 15](#) {Sch. 3 para. 36}, {Sch. 6} (with art. 11(2))

### **137 Relocation grants: cessation of conditions on repayment of grant, &c.**

F179 .....

*Status: Point in time view as at 05/12/2005.*

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#### Textual Amendments

**F179** Ss. 131-140 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), **arts. 1(3)**, 11(1), 15 {Sch. 3 para. 36}, {Sch. 6} (with art. 11(2))

### 138 Relocation grants: liability to repay is a charge on dwelling.

**F180**

#### Textual Amendments

**F180** Ss. 131-140 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), **arts. 1(3)**, 11(1), 15 {Sch. 3 para. 36}, {Sch. 6} (with art. 11(2))

### 139 Relocation grants: contributions by the Secretary of State.

**F181**

#### Textual Amendments

**F181** Ss. 131-140 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), **arts. 1(3)**, 11(1), 15 {Sch. 3 para. 36}, {Sch. 6} (with art. 11(2))

### 140 Minor definitions relating to relocation grants.

**F182**

#### Textual Amendments

**F182** Ss. 131-140 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), **arts. 1(3)**, 11(1), 15 {Sch. 3 para. 36}, {Sch. 6} (with art. 11(2))

## PART V

### MISCELLANEOUS AND GENERAL PROVISIONS

#### *Miscellaneous provisions*

### 141 Existing housing grants: meaning of exempt disposal

(1) Section 124 of the <sup>M54</sup>Local Government and Housing Act 1989 (relevant and exempt disposals for purposes of housing grants) is amended as follows.

(2) In subsection (3) (exempt disposals), for paragraph (c) substitute—

“(c) a disposal of the whole of the dwelling in pursuance of any such order as is mentioned in subsection (4A) below;”.



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(3) After subsection (4) insert—

“(4A) The orders referred to in subsection (3)(c) above are orders under—

- (a) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings),
- (b) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),
- (c) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.), or
- (d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);”.

**Marginal Citations**

M54 1989 c. 42.

**142 Home energy efficiency schemes.**

(1) In section 15 of the <sup>M55</sup>Social Security Act 1990 (grants for the improvement of energy efficiency in certain dwellings, &c.) for subsection (1) (power to make grants) substitute—

“(1) The Secretary of State may make or arrange for the making of grants—

- (a) towards the cost of carrying out work for the purpose of—
  - (i) improving the thermal insulation of dwellings, or
  - (ii) otherwise reducing or preventing the wastage of energy in dwellings (whether in connection with space or water heating, lighting, the use of domestic appliances or otherwise), and
- (b) where any such work is, or is to be, carried out, towards the cost of providing persons with advice on reducing or preventing the wastage of energy in dwellings;

but no grants shall be made under this section except in accordance with regulations made by the Secretary of State.”.

(2) In subsection (10) of that section, after the definition of “functions”, insert—

““materials” includes space and water heating systems;”.

**Marginal Citations**

M55 1990 c. 27.

**143 Urban development corporations: pre-dissolution transfers.**

(1) After section 165A of the <sup>M56</sup>Local Government, Planning and Land Act 1980 insert—

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**“165B Transfer of property, rights and liabilities to statutory bodies.**

- (1) Subject to this section, the Secretary of State may at any time by order transfer to a statutory body, upon such terms as he thinks fit, any property, rights or liabilities which—
  - (a) are for the time being vested in an urban development corporation, and
  - (b) are not proposed to be transferred under section 165 or 165A above.
- (2) An order under this section may terminate—
  - (a) any appointment of the corporation under subsection (1) of section 177 of the Leasehold Reform, Housing and Urban Development Act 1993 (power of corporations to act as agents of the Urban Regeneration Agency); and
  - (b) any arrangements made by the corporation under subsection (2) of that section.
- (3) An order under this section may—
  - (a) establish new bodies corporate to receive any property, rights or liabilities to be transferred by an order under this section;
  - (b) amend, repeal or otherwise modify any enactment for the purpose of enabling any body established under any enactment to receive such property, rights or liabilities.
- (4) An order under this section—
  - (a) may contain such incidental, consequential, transitional or supplementary provision as the Secretary of State thinks necessary or expedient (including provisions amending, repealing or otherwise modifying any enactment); and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Before making an order under this section, the Secretary of State shall consult each local authority in whose area all or part of the urban development area is situated.
- (6) In this section—
 

“enactment” includes any instrument made under any enactment;

“statutory body” means any body established under this section or any other enactment.”.
- (2) In consequence of the above amendment, the Local Government, Planning and Land Act 1980 is amended as follows.
- (3) In section 165(9) (meaning of local authority) for “sections 165A and 166” substitute “sections 165A to 166”.
- (4) In section 165A(1) (power of Secretary of State to transfer property &c. to himself) for paragraph (b) substitute—
 

“(b) are not proposed to be transferred under section 165 above or 165B below.”.
- (5) In section 166(5) (dissolution of corporations) after “section 165A” insert “or 165B”.

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#### Marginal Citations

M56 1980 c. 65.

### 144 Housing action trusts: orders for dissolution.

- (1) Section 88 of the <sup>M57</sup>Housing Act 1988 (dissolution of housing action trusts) is amended as follows.
- (2) In subsection (4) (contents of dissolution orders) after paragraph (a) insert—
  - “(aa) where it provides for any such disposal or transfer as is mentioned in subsection (2)(b) above, may contain provisions—
    - (i) establishing new bodies corporate to receive the disposal or transfer; or
    - (ii) amending, repealing or otherwise modifying any enactment for the purpose of enabling any body established under any enactment to receive the disposal or transfer;”.
- (3) In paragraph (b) of that subsection (supplementary and transitional provisions) for the words from “any enactment”, where it first appears, to “order” substitute “, repealing or otherwise modifying any enactment”.
- (4) After that subsection insert—
  - “(5) In this section “enactment” includes any instrument made under any enactment.”.

#### Marginal Citations

M57 1988 c. 50.

### 145 The Commission for the New Towns: orders for dissolution.

- (1) In Schedule 9 to the <sup>M58</sup>New Towns Act 1981 (additional provisions as to the Commission for the New Towns) paragraph 7 (power to dissolve Commission) is amended as follows.
- (2) After sub-paragraph (2) insert—
  - “(2A) Any order under this paragraph may—
    - (a) establish new bodies corporate to receive any property, rights, liabilities or obligations vested by an order under this paragraph;
    - (b) amend, repeal or otherwise modify any enactment for the purpose of enabling any body established under any enactment to receive such property, rights, liabilities or obligations.”.
- (3) In sub-paragraph (3) (incidental, supplemental, consequential or transitional provision) for the words from “amendments” to the end substitute “ provisions amending, repealing or otherwise modifying any enactment. ”.
- (4) For sub-paragraph (7) (interpretation) substitute—
  - “(7) In this paragraph—

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“accountable public authority” means a body established under this paragraph or any other enactment;

“enactment” includes any instrument made under any enactment.”.

#### Marginal Citations

M58 1981 c. 64.

### General provisions

#### 146 Orders, regulations and directions.

- (1) Orders, regulations and directions under this Act may make different provision for different cases or descriptions of case, including different provision for different areas.
- (2) Orders and regulations under this Act may contain such incidental, supplementary or transitional provisions and savings as the Secretary of State considers appropriate.
- (3) Orders and regulations under this Act shall be made by statutory instrument which, except for—
  - (a) orders and regulations subject to affirmative resolution procedure (see sections 104(4), 105(4), 106(4) and 114(5)),
  - (b) orders under section 150(3), or
  - (c) regulations which only prescribe forms or particulars to be contained in forms, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### 147 Repeals and revocations.

The enactments specified in Schedule 3 are repealed or revoked to the extent specified.

#### Commencement Information

**I36** S. 147 wholly in force; s. 147 in force: at 24.9.1996 so far as relating to Sch. 3 Pt. III by s. 150(2); at 17.12.1996 so far as relating to Sch. 3 Pt. I by S.I. 1996/2842, art. 3 (subject to savings for specified provisions in art. 8); at 1.4.1997 so far as relating to Sch. 3 Pt. II by S.I. 1996/2842, art. 4

#### 148 Extent.

- (1) The provisions of this Act extend to England and Wales.
- (2) The following provisions of this Act extend to Scotland—
 

Part II (construction contracts),  
F183  
 . . . . .  
 sections 126 to 128 (financial assistance for regeneration and development), and  
 Part V (miscellaneous and general provisions), except—

  - (i) sections 141, 144 and 145 (which amend provisions which do not extend to Scotland), and

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- (ii) Part I of Schedule 3 (repeals consequential on provisions not extending to Scotland).
- (3) The following provisions of this Act extend to Northern Ireland—
- F183  
...  
Part V (miscellaneous and general provisions), except—
- (i) sections 142 to 145 (home energy efficiency schemes and residuary bodies),  
and
- (ii) Parts I and III of Schedule 3 (repeals consequential on provisions not extending to Northern Ireland).
- (4) Except as otherwise provided, any amendment or repeal by this Act of an enactment has the same extent as the enactment amended or repealed.

#### Textual Amendments

**F183** Words in s. 148(2)(3) repealed (21.7.1997) by 1997 c. 22, s. 27, **Sch. 3** (with **Sch. 2**); S.I. 1997/1672, **art. 2**

#### 149 Corresponding provision for Northern Ireland.

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M59</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of Part II (construction contracts) or section 142 (home energy efficiency schemes)—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament), but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Marginal Citations

**M59** 1974 c. 28.

#### 150 Commencement.

- (1) The following provisions of this Act come into force on Royal Assent—  
section 146 (orders, regulations and directions),  
sections 148 to 151 (extent, commencement and other general provisions).
- (2) The following provisions of this Act come into force at the end of the period of two months beginning with the date on which this Act is passed—  
sections 126 to 130 (financial assistance for regeneration and development),  
section 141 (existing housing grants: meaning of exempt disposal),  
section 142 (home energy efficiency schemes),  
sections 143 to 145 (residuary bodies),  
Part III of Schedule 3 (repeals consequential on Part IV) and section 147 so far as relating to that Part.

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- (3) The other provisions of this Act come into force on a day appointed by order of the Secretary of State, and different days may be appointed for different areas and different purposes.
- (4) The Secretary of State may by order under subsection (3) make such transitional provision and savings as appear to him to be appropriate in connection with the coming into force of any provision of this Act.

#### **Subordinate Legislation Made**

- P1** S. 150(3) power partly exercised (10.9.1996): different dates appointed for specified provisions by [S.I. 1996/2352, art. 2](#)
- S. 150(3) power partly exercised (12.11.1996): different dates appointed for specified provisions by [S.I. 1996/2842, arts. 2-4](#)
- S. 150(3) power partly exercised (1.12.1997): 16.12.1997 appointed for specified provisions by [S.I. 1997/2846, art. 2](#)
- S. 150(3) power partly exercised (6.3.1998): 1.5.1998 appointed for specified provisions by [S.I. 1998/650, art. 2](#)
- S. 150(3) power partly exercised (19.3.1998): 1.5.1998 appointed for specified provisions by [S.I. 1998/894, art. 2](#)

#### **151 Short title.**

This Act may be cited as the Housing Grants, Construction and Regeneration Act 1996.

**Status:**

Point in time view as at 05/12/2005.

**Changes to legislation:**

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