



# 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

#### *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>F1</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>F2</sup>, or
  - (c) that the applicant is an occupier (alone or jointly with others) of a qualifying houseboat or a qualifying park home.]
- (2) References in this Chapter to an “owner's application” or a “tenant's application”]<sup>F3</sup> or an “occupier's application”], in relation to a <sup>F4</sup>. . . grant, shall be construed accordingly.

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*Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Cross Heading: Disabled facilities grants. (See end of Document for details)*

- (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>F5</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>F6</sup> . . . grant, includes—  
(a) a secure tenant, introductory tenant or statutory tenant,  
(b) a protected occupier under the <sup>M1</sup>Rent (Agriculture) Act 1976 or a person in occupation under an assured agricultural occupancy within the meaning of Part I of the <sup>M2</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>F7</sup> . . . grant, shall be construed accordingly.

#### Textual Amendments

- F1** 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))
- F2** 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))
- F3** 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))
- F4** 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))
- F5** 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))
- F6** 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))
- F7** 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

- II** 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

- M1** 1976 c. 80.

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*Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Cross Heading: Disabled facilities grants. (See end of Document for details)*

M2 1988 c. 50.

## 20 Disabled facilities grants: the disabled occupant.

In this Chapter the “disabled occupant”, in relation to an application for <sup>F8</sup> . . . grant, means the disabled person for whose benefit it is proposed to carry out any of the relevant works.

### Textual Amendments

**F8** 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>F9</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>F10</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

**F9** 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))

**F10** 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>F11</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>F12</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>F13</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.

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#### Textual Amendments

- F11** 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))
- F12** 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))
- F13** 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>F14</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 qualifying park home (as the case may be) as his only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.
- (3) Except where the authority consider it unreasonable in the circumstances to require such a certificate, they shall not entertain an occupier’s application for a grant unless it is also accompanied by a consent certificate from each person (other than the applicant) who at the time of the application—
  - (a) is entitled to possession of the premises at which the qualifying houseboat is moored or, as the case may be, the pitch on which the qualifying park home is stationed; or
  - (b) is entitled to dispose of the qualifying houseboat or, as the case may be, the qualifying park home.
- (4) A “consent certificate”, for the purposes of subsection (3), certifies that the person by whom the certificate is given consents to the carrying out of the relevant works.]

#### Textual Amendments

- F14** *S. 22A* inserted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 6** (with art. 11(2))

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

- (1) The purposes for which an application for a <sup>F15</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>F16</sup>(i) the dwelling, qualifying houseboat or qualifying park home, or
    - (ii)] the building in which the dwelling or, as the case may be, flat is situated;
  - (b) making
    - [<sup>F17</sup>(i) the dwelling, qualifying houseboat or qualifying park home, 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>F18</sup>, qualifying houseboat or qualifying park home] to meet the needs of the disabled occupant or, if there is no existing heating system [<sup>F19</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>F18</sup>, qualifying houseboat or qualifying park home] in order to enable him to care for a person who is normally resident [<sup>F19</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>F20</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>F21</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

- F15** 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))
- F16** 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))
- F17** 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))
- F18** 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))

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- F19** 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))
- F20** 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))
- F21** 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>F22</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>F23</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>F24</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>F25</sup>(i) the dwelling, qualifying houseboat or qualifying park home, 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>F26</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>M3</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>F27</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

- F22** 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))
- F23** 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))
- F24** 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))
- F25** 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))
- F26** 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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**F27** 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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**Marginal Citations**

**M3** 1985 c. 68.

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There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Cross Heading: Disabled facilities grants.