



# 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

#### *Renovation grants*

- 7 Renovation grants: owner's applications and tenant's applications.**
- (1) A local housing authority shall not entertain an application for a renovation 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) in the case of an application other than a conversion application, that the applicant is a qualifying tenant of the dwelling (alone or jointly with others) but does not have, or propose to acquire, an owner's interest in the dwelling.
  - (2) References in this Chapter to an "owner's application" or a "tenant's application", in relation to a renovation 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) References in this Chapter to "a qualifying owner's interest", in relation to an application for a renovation grant, are to an owner's interest meeting the condition in subsection (1)(a) or treated by virtue of subsection (3) as meeting that condition.

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- (5) In this Chapter a “qualifying tenant”, in relation to an application for a renovation grant, means a person who (alone or jointly with others) is a tenant of the premises to which the application relates—
- (a) who is required by the terms of his tenancy to carry out the relevant works and whose tenancy is not of a description excluded from this subsection by order of the Secretary of State, or
  - (b) whose tenancy is of a description specified for the purposes of this subsection by order of the Secretary of State.
- (6) In subsection (5) “tenant” includes a person having a licence to occupy the premises concerned which satisfies such conditions as may be specified by order of the Secretary of State.

References in this Chapter to tenants and other expressions relating to tenancies, in the context of a tenant’s application for a renovation grant, shall be construed accordingly.

#### Commencement Information

- II** S. 7 wholly in force; s. 7 not in force at Royal Assent see s. 150; s. 7 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, art. 2(2); s. 7 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, art. 3

VALID FROM 17/12/1996

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

- (1) A local housing authority shall not entertain an owner’s application for a renovation grant unless it is accompanied by an owner-occupation certificate or a certificate of intended letting in respect of the dwelling to which the application relates or, in the case of a conversion application, in respect of each of the dwellings to be provided.
- (2) An “owner-occupation certificate” certifies that the applicant—
- (a) has or proposes to acquire a qualifying owner’s interest, and
  - (b) intends that throughout the grant condition period he or a member of his family will live in the dwelling as his (or that member’s) only or main residence.
- (3) A “certificate of intended letting” certifies that the applicant—
- (a) has or proposes to acquire a qualifying owner’s interest, and
  - (b) intends that throughout the grant condition period the dwelling will be let or available for letting as a residence (and not for a holiday) to a person who is not connected with the owner for the time being of the dwelling.

In paragraph (b) “letting” does not include a letting on a long tenancy.

- (4) In subsection (3) references to letting include the grant of a licence to occupy premises.

References in this Chapter to tenants and other expressions relating to tenancies, in the context of a certificate of intended letting, shall be construed accordingly.

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- (5) Where section 10 applies (prior qualifying period in certain cases) a local housing authority shall not entertain an owner's application for a renovation grant unless it is also accompanied by a certificate specifying how the requirements of that section are met.

VALID FROM 17/12/1996

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

- (1) A local housing authority shall not entertain a tenant's application for a renovation grant unless it is accompanied by a tenant's certificate.
- (2) A "tenant's certificate" certifies—
- (a) that the applicant is a qualifying tenant of the dwelling, and
  - (b) that he or a member of his family intends to live in the dwelling as his (or that member's) only or main residence.
- (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 renovation grant unless it is also accompanied by a certificate of intended letting (see section 8(3)) by the person who at the time of the application is the landlord under the tenancy.
- (4) Where section 10 applies (prior qualifying period in certain cases) a local housing authority shall not entertain a tenant's application for a renovation grant unless it is also accompanied by a certificate specifying how the requirements of that section are met.

VALID FROM 17/12/1996

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

- (1) Subject to subsection (3), a local housing authority shall not entertain an application to which this section applies unless they are satisfied—
- (a) that the ownership or tenancy condition (see section 11) was met throughout the qualifying period, and
  - (b) in the case of an application accompanied by an owner-occupation certificate or a tenant's certificate, that the applicant lived in the dwelling as his only or main residence throughout that period.

In the case of a joint application it is sufficient if those conditions are met by any of the applicants.

- (2) The qualifying period for the purposes of this section is the period of three years, or such other period as may be specified by order of the Secretary of State, ending with the date of the application.
- (3) A local housing authority may dispense with compliance with either or both of the conditions in subsection (1), and may do so either generally or in relation to particular cases or descriptions of case.

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- (4) Subject to subsection (5), this section applies to every application for a renovation grant, other than—
- (a) a conversion application,
  - (b) an application in respect of a dwelling in a renewal area,
  - (c) an application in respect of works to provide means of escape in case of fire or other fire precautions, or
  - (d) an application of any other description excepted from this section by order of the Secretary of State.

- (5) This section does not apply to a landlord's application unless the Secretary of State by order so provides, which he may do with respect to all landlord's applications or any description of landlord's application.

Any such order may provide that this section applies to a landlord's application notwithstanding that it is of a kind mentioned in paragraphs (a) to (d) of subsection (4).

- (6) A "landlord's application" for a renovation grant means an owner's application which is accompanied by a certificate of intended letting.

A conversion application for the provision of two or more dwellings shall not be treated as a landlord's application if any of the certificates accompanying the application is an owner-occupation certificate.

VALID FROM 17/12/1996

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

- (1) The "ownership or tenancy condition" for the purposes of section 10 is that the applicant had a qualifying owner's interest in, or was a qualifying tenant of, the dwelling.

That condition shall be treated as having been met in the following circumstances.

- (2) Where the applicant took his owner's interest or became a qualifying tenant under the will or on the intestacy of a member of his family, the ownership or tenancy condition shall be treated as having been met—
- (a) during any period when the deceased both held a qualifying owner's interest in or was a qualifying tenant of the dwelling and lived in the dwelling as his only or main residence, and
  - (b) if immediately before his death the deceased both—
    - (i) held such an interest or was such a tenant, and
    - (ii) lived in the dwelling as his only or main residence,
 during any period not exceeding one year when his personal representatives, or the Public Trustee under section 9 of the <sup>MI</sup>Administration of Estates Act 1925, held such an interest or was such a tenant.
- (3) The local housing authority may treat a person as continuing to meet the residence requirement in subsection (2)(a) or (b)(ii) for up to a year after he has, by reason of age or infirmity—
- (a) gone to live with and be cared for by a member of his family, or

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- (b) gone to live in a hospital, hospice, sheltered housing, residential care home or similar institution.
- (4) Where the applicant took his owner's interest or became a qualifying tenant by virtue of a disposal made by a member of his family, and the authority are satisfied—
- (a) that the person making the disposal was elderly or infirm, and
- (b) that he made the disposal with the intention of—
- (i) going to live with and be cared for by a member of his family, or
- (ii) going to live in a hospital, hospice, sheltered housing, residential care home or similar institution as his only or main residence,
- the ownership or tenancy condition shall be treated as having been met during any period ending on the date of the disposal when the person making the disposal held a qualifying owner's interest in or was a qualifying tenant of the dwelling.
- (5) Where the applicant took his owner's interest or became a qualifying tenant by virtue of a disposal made by his spouse, and the authority are satisfied that the disposal was made as a result of arrangements in relation to divorce, judicial separation or declaration of nullity of marriage, the ownership or tenancy condition shall be treated as having been met during any period ending on the date of the disposal when the spouse held a qualifying owner's interest in or was a qualifying tenant of the dwelling.
- (6) The references in subsection (5) to the spouse of the applicant—
- (a) in the case of divorce, include his former spouse, and
- (b) in the case of a declaration of nullity, shall be construed as references to the other party to the marriage.

#### Marginal Citations

M1 1925 c. 23.

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

- (1) The purposes for which an application for a renovation grant, other than a conversion application, may be approved are the following—
- (a) to comply with a notice under section 189 of the <sup>M2</sup>Housing Act 1985 (repair notice in respect of unfit premises) or otherwise to render the dwelling fit for human habitation;
- (b) to comply with a notice under section 190 of that Act (repair notice in respect of premises not unfit but in need of substantial repair) or otherwise to put the dwelling in reasonable repair;
- (c) to provide adequate thermal insulation;
- (d) to provide adequate facilities for space heating;
- (e) to provide satisfactory internal arrangements;
- (f) to provide means of escape in case of fire or other fire precautions, not being precautions required under or by virtue of any enactment (whenever passed);
- (g) to ensure that the dwelling complies with such requirements with respect to construction or physical condition as may be specified by the Secretary of State;

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- (h) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the dwelling as are so specified;
  - (i) any other purpose for the time being specified for the purposes of this section by order of the Secretary of State.
- (2) The purpose for which a conversion application may be approved is to provide one or more dwellings by the conversion of a house or other building.
- (3) If in the opinion of the authority the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in subsection (1) or (2), 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.
- (4) The reference in paragraph (f) of subsection (1) to precautions required under or by virtue of an enactment does not include precautions required to comply with a notice under section 352 of the Housing Act 1985 (notice requiring execution of works to render house in multiple occupation fit for number of occupants) so far as it relates to premises which are not part of a house in multiple occupation for the purposes of this Part.
- (5) In exercise of the powers conferred by paragraphs (g) and (h) of subsection (1) the Secretary of State may specify requirements generally or for particular cases, and may specify different requirements for different areas.

#### Commencement Information

**I2** S. 12 wholly in force; s. 12 not in force at Royal Assent see s. 150; s. 12 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, art. 2; s. 12 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, art. 3

#### Marginal Citations

**M2** 1985 c. 68.

VALID FROM 17/12/1996

### 13 Renovation grants: approval of application.

- (1) The local housing authority may approve an application for a renovation grant if they think fit, subject to the following provisions.
- (2) The authority shall not approve an application for a renovation grant unless they are satisfied that the works are necessary for one or more of the purposes set out in section 12(1) or (2).
- (3) Where an authority entertain an owner's application for a renovation 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.
- (4) An authority proposing to approve an application for a renovation grant shall consider whether the premises to which it relates are fit for human habitation.

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- (5) If it appears to the authority that the premises are not fit for human habitation, they shall not approve the application unless they are satisfied—
- (a) that on completion of the relevant works, together with any other works proposed to be carried out, the premises will be fit for human habitation,
  - (b) that there are satisfactory financial and other arrangements for carrying out those works, and
  - (c) that the carrying out of the works is the most satisfactory course of action.
- (6) In considering whether to approve an application for a renovation grant the authority shall have regard to the expected life of the building (taking account, where appropriate, of the effect of carrying out the works).

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