



Housing Grants, Construction and Regeneration Act 1996

1996 CHAPTER 53

PART I

GRANTS, &C. FOR RENEWAL OF PRIVATE SECTOR HOUSING

CHAPTER V

SUPPLEMENTARY PROVISIONS

Interpretation

^{F1}96 **Meaning of “reasonable repair”.**

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Textual Amendments

F1 S. 96 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para.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 ^{M1}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.

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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.

Marginal Citations

M1 1985 c. 68.

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

(1) Section 113 of the ^{M2}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) ^{F2}

Textual Amendments

F2 S. 98(2) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, Sch. 3 para. 33, Sch. 6 (with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

M2 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

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- (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—
 - (a) he is registered in pursuance of any arrangements made under section 29(1) of the ^{M3}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 ^{M4}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 ^{M5}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 ^{M6}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 ^{M7}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

- M3** 1948 c. 29.
- M4** 1989 c. 41.
- M5** 1989 c. 41.
- M6** 1970 c. 42.
- M7** 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;

^{F3}

“housing action trust” means a housing action trust established under Part III of the ^{M8}Housing Act 1988 and includes any body established by order under section 88 of the Housing Act 1988;

^{F3}

“introductory tenancy” and “introductory tenant” have the same meaning as in Chapter I of Part V of the ^{M9}Housing Act 1996;

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“local authority” and “local housing authority” have the same meaning as in the ^{M10}Housing Act 1985;

^{F3}

“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 ^{M11}New Towns Act 1981;

“owner”, in relation to a dwelling, has the meaning given by section 99 ^{F4} . . . ;

“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;

^{F3}

“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;

[^{F5}“secure tenant” has] the same meaning as in Part IV of the ^{M12}Housing Act 1985;

[^{F6}“statutory tenant” means a] statutory tenant within the meaning of the ^{M13}Rent Act 1977 or the ^{M14}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 ^{M15}Local Government, Planning and Land Act 1980.

Textual Amendments

- F3** 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))
- F4** 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))
- F5** 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))
- F6** 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))

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Commencement Information

- I1** [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

M8 1988 c. 50.

M9 1996 c. 52.

M10 1985 c. 68.

M11 1981 c. 64.

M12 1985 c. 68.

M13 1977 c. 42.

M14 1976 c. 80.

M15 1980 c. 65.

Status:

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Changes to legislation:

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