

SCHEDULE 3

article 11

AMENDMENT OF THE HOUSING GRANTS, CONSTRUCTION AND REGENERATION ACT 1996

1. In Part 1 of the 1996 Act, Chapter 1 (the main grants) is amended in accordance with paragraphs 2 to 26 below.

2. In section 1 (grants for improvements and repairs, &c.)—

(a) in subsection (1)—

(i) omit paragraphs (a) and (b) (and the word “and” at the end of paragraph (b)); and

(ii) in paragraph (c), for the words from “in dwellings” to the end, substitute—

“(i) in dwellings, qualifying houseboats and qualifying park homes, and

(ii) in the common parts of buildings containing one or more flats.”;

(b) omit subsections (2) to (5); and

(c) in subsection (6), for the words from “, without more” to the end, substitute “means a grant under subsection (1) above”.

3. Sections 4 to 18 shall cease to have effect.

4.—(1) Section 19 (disabled facilities grants: owner’s and tenant’s applications) is amended in accordance with sub-paragraphs (2) to (4) below.

(2) In subsection (1)—

(a) omit “disabled facilities”; and

(b) at the end of paragraph (b), insert—

“, or

(c) that the applicant is an occupier (alone or jointly with others) of a qualifying houseboat or a qualifying park home.”.

(3) In subsection (2)—

(a) after ““tenant’s application””, insert “or an “occupier’s application””; and

(b) omit “disabled facilities”.

(4) In subsections (4) and (5), omit “disabled facilities” (in each place where those words appear).

5. In the following provisions—

(a) section 20 (disabled facilities grants: the disabled occupant),

(b) section 21 (disabled facilities grants: certificate required in case of owner’s application),

(c) section 22 (disabled facilities grants: certificates required in case of tenant’s application),

omit “disabled facilities” (in each place where those words appear).

6. After section 22 insert the following section—

“Certificates required in case of occupier’s application

22A.—(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

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- (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."
7. In section 23 (disabled facilities grants: purposes for which grant must or may be given)—
- (a) in subsection (1)—
 - (i) omit "disabled facilities";
 - (ii) in paragraph (a), for "the dwelling or" (in the first place where those words appear), substitute—
 - "(i) the dwelling, qualifying houseboat or qualifying park home, or
 - (ii)";
 - (iii) in paragraph (b), for "the dwelling or building safe" substitute—
 - "(i) the dwelling, qualifying houseboat or qualifying park home, or
 - (ii) the building,
 - safe"; and
 - (iv) in each of paragraphs (i) and (k), after "the dwelling" (in the first place where those words appear), insert ", qualifying houseboat or qualifying park home" and for "in the dwelling" substitute "there";
 - (b) omit subsection (2); and
 - (c) in subsection (3), omit "or the purpose mentioned in subsection (2)".
8. In section 24 (disabled facilities grants: approval of application)—
- (a) for subsection (1), substitute the following subsection—
 - "(1) The local housing authority shall approve an application for a grant for purposes within section 23(1), subject to the following provisions.";
 - (b) in subsection (3)(b), for "the dwelling or" substitute—
 - "(i) the dwelling, qualifying houseboat or qualifying park home, or
 - (ii) the"; and
 - (c) omit "disabled facilities" (in each place where those words appear).
9. Sections 25 to 28 shall cease to have effect.
10. In section 29 (restriction on grants for works already begun)—
- (a) in subsection (3)—
 - (i) after "dwelling", insert ", qualifying houseboat, qualifying park home or"; and

- (ii) omit “or house or other building”;
 - (b) in subsection (4), omit “Subject as follows,”; and
 - (c) omit subsections (5) and (6).
- 11.** In section 30 (means testing in case of application by owner-occupier or tenant)—
- (a) omit subsections (1) to (3);
 - (b) in subsection (4), omit “disabled facilities”; and
 - (c) in subsection (5), omit “(3) or”.
- 12.** In section 31 (determination of amount of grant in case of landlord’s application)—
- (a) for subsection (1), substitute the following subsection—
 - “(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.”; and
 - (b) omit subsection (2).
- 13.** Section 32 shall cease to have effect.
- 14.** In section 33 (power to specify maximum amount of grant)—
- (a) in subsection (2) omit “different types of grant, or for the same type of grant in”;
 - (b) omit subsection (3); and
 - (c) in subsection (4) omit “, except as mentioned in subsection (3),”.
- 15.** In section 36 (delayed payment of mandatory grant), in subsection (1), for the words from the beginning to “do so”, substitute “The local housing authority may approve an application for a grant”.
- 16.** In section 40 (applicant ceasing to be entitled before payment of grant)—
- (a) in subsection (1), omit “of that description”;
 - (b) in subsection (2), for paragraphs (a) and (b) and the word “and” immediately following paragraph (b), substitute—
 - “(a) no grant shall be paid or, as the case may be, no further instalments shall be paid, and
 - (b)”;
 - (c) omit subsection (3);
 - (d) in subsection (4), omit “disabled facilities”; and
 - (e) omit subsections (5) and (6).
- 17.** In section 41 (change of circumstances affecting disabled occupant), in subsection (1)—
- (a) omit “disabled facilities”; and
 - (b) in paragraph (b), after “dwelling” insert “, qualifying houseboat, qualifying park home”.
- 18.** In section 43 (repayment where applicant not entitled to grant)—
- (a) in subsection (1), omit “of that description”;
 - (b) in subsection (2), for paragraphs (a) and (b) and the word “and” immediately following paragraph (b), substitute—
 - “(a) no grant shall be paid or, as the case may be, no further instalments shall be paid, and

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- (b)”;
 - (c) omit subsection (3);
 - (d) in subsection (4)—
 - (i) omit “disabled facilities”; and
 - (ii) at the end of paragraph (b) insert the following—
 - “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.”; and
 - (e) omit subsections (5) and (6).
- 19.** In section 44 (grant conditions: introductory)—
- (a) in subsection (1)—
 - (i) for “The following sections”, substitute “Sections 51 and 52”; and
 - (ii) for “any”, substitute “either”;
 - (b) in subsection (2), omit paragraphs (a) and (b) and the word “and” at the end of paragraph (b); and
 - (c) in subsection (4), for “the following sections”, substitute “sections 51 and 52”.
- 20.** Sections 45 to 50 shall cease to have effect.
- 21.** In section 52 (power to impose other conditions with consent of Secretary of State)—
- (a) in subsection (2), in paragraph (a), omit “, house”;
 - (b) omit subsection (3); and
 - (c) in subsection (5), for “sections 45 to 51”, substitute “section 51”.
- 22.** Sections 53 and 54 shall cease to have effect.
- 23.** In section 55 (cessation of conditions on repayment of grant, &c.)—
- (a) in subsection (1), omit “, house” (in each place where that word appears); and
 - (b) omit subsection (2).
- 24.** In section 57 (power of local housing authority to carry out works which would attract grant)
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- (a) for subsection (2), substitute the following subsection—
 - “(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 qualifying park home, the person who is—
 - (i) entitled to possession of the premises at which the qualifying houseboat is moored or the pitch on which the qualifying park home is stationed, or
 - (ii) entitled to dispose of the qualifying houseboat or qualifying park home,or
 - (b) in any other case, the person who has an owner’s interest.”; and
 - (b) omit subsection (3).
- 25.** In section 58 (minor definitions: Chapter 1)—
- (a) in the definition of “common parts application”, omit “disabled facilities”;

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- (b) omit the definition of “conversion application”; and
- (c) after the definition of “flat”, insert the following definitions—
- ““premises” includes a qualifying houseboat or a qualifying park home;”
- ““qualifying houseboat” means a boat or similar structure designed or adapted for use as a place of permanent habitation which—
- (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;”
- ““qualifying park home” 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) which—
- (a) is stationed on land forming part of a protected site within the meaning of the Mobile Homes Act 1983;
- (b) is occupied under an agreement to which that Act applies or under a gratuitous licence; 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.”⁽¹⁾

26. In section 59 (index of defined expressions: Chapter 1)—

- (a) omit the entries (both columns) relating to the following expressions—
- “certificate of future occupation (in relation to an application for an HMO grant)”
- “certificate of intended letting (in relation to an application for a renovation grant)”
- “common parts grant”
- “connected (with the owner of a dwelling)”
- “conversion application”
- “disabled facilities grant”
- “elderly”
- “exempt disposal”
- “HMO grant”
- “house in multiple occupation”
- “improvement”
- “landlord’s application
- in relation to a renovation grant
- in relation to a common parts grant”
- “long tenancy”

⁽¹⁾ See the Local Government Finance Act 1992 c. 14; the Caravan Sites and Control of Development Act 1960 (c. 62); the Caravan Sites Act 1968 (c. 52); and the Mobile Homes Act 1983 (c. 34).

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- “occupying tenant (in relation to an application for a common parts grant)”
 “owner-occupation certificate (in relation to an application for a renovation grant)”
 “participating landlord (in relation to a tenants' application for a common parts grant)”
 “partner”
 “reasonable repair”
 “registered social landlord”
 “relevant disposal”
 “renewal area”
 “renovation grant”
 “tenants' application (in relation to a common parts grant)”;
- (b) in the entry relating to “common parts application (in relation to a disabled facilities grant)” omit “disabled facilities”;
- (c) in the entry relating to “grant”, omit “(without more)”;
- (d) in the entry relating to “owner’s application”, omit—
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- (i) “–in relation to a renovation grant section 7(1) and (2)”; and
 (ii) “disabled facilities”;
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- (e) in the entry relating to “owner’s certificate (in relation to an application for a disabled facilities grant)”, omit “disabled facilities”;
- (f) in the entry relating to “qualifying owner’s interest”, omit—
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- (i) “–in relation to an application for a renovation grant section 7(4)”;
 (ii) “disabled facilities”; and
 (iii) “–in relation to an application for an HMO grant section 25(3)”;
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- (g) in the entry relating to “qualifying tenant”, omit—
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- (i) “–in relation to an application for a renovation grant section 7(5)”; and
 (ii) “disabled facilities”;
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- (h) in the entry relating to “secure tenancy and secure tenant”, omit “secure tenancy and”;
- (i) in the entry relating to “statutory tenancy and statutory tenant”, omit “statutory tenancy and”;
- (j) in the entry relating to “tenant (and expressions relating to tenancies)”, omit—
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- (i) “–in the context of a tenant’s application for a renovation grant section 7(6)”;
 (ii) “–in the context of a certificate of intended letting section 8(4)”;

- (iii) “–in the context of an application for section 14(2)”; and a common parts grant
 - (iv) “disabled facilities”;
 - (k) in the entry relating to “tenant’s application”, omit—
 - (i) “–in relation to a renovation grant section 7(1) and (2)”; and
 - (ii) “disabled facilities”;
 - (l) in the entry relating to “tenant’s certificate”, omit—
 - (i) “–for the purposes of an application section 9(2)”; and for a renovation grant
 - (ii) “disabled facilities”;
 - (m) insert, at the appropriate places—

“occupier’s application	section 19(1) and (2)”
“premises	section 58”
“qualifying houseboat	section 58”
“qualifying park home	section 58”.
- 27.** In Part 1 of the 1996 Act, omit Chapters 2 (group repair schemes) and 3 (home repair assistance).
- 28.** In Part 1 of the 1996 Act, Chapter 5 (supplementary provisions) is amended in accordance with paragraphs 29 to 35 below.
- 29.** In section 93 (recovery of contributions), omit subsection (2).
- 30.** In section 94 (consent of the Secretary of State), omit paragraph (a) and the word “or” at the end of that paragraph.
- 31.** In section 95 (parsonages, charities, &c.)—
- (a) in subsection (1), for the words from the beginning to “below”, substitute “Sections 19 and 21 to 22A (conditions for application for grant)”; and
 - (b) omit subsections (2), (4) and (5).
- 32.** Section 96 shall cease to have effect.
- 33.** In section 98 (member of a person’s family and connected persons), omit subsection (2).
- 34.** In section 101 (minor definitions: Part 1)—
- (a) omit the definitions of—
 - “elderly”
 - “house in multiple occupation”
 - “improvement”
 - “long tenancy”
 - “partner”;
 - (b) in the definition of “owner”, omit “, and, in relation to a house in multiple occupation, has the same meaning as in Part XI of the Housing Act 1985”;

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- (c) in the definition of “secure tenancy” and “secure tenant”, for the words from the beginning to “have”, substitute ““secure tenant has””; and
 - (d) in the definition of “statutory tenancy” and “statutory tenant”, for the words from the beginning to “tenancy or”, substitute ““statutory tenant” means a”.
- 35.** In section 102 (transitional and consequential provisions), in subsection (1), for “Chapters I to III”, substitute “Chapter 1”.
- 36.** In Part 4, sections 131 to 140 (relocation grants in clearance areas) shall cease to have effect.