



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) ^{F1}

(b) ^{F1}

(c) the provision of facilities for disabled persons

^{F2}(i) in dwellings, qualifying houseboats and qualifying park homes, and
(ii) in the common parts of buildings containing one or more flats.]

(2) ^{F3}

(3) ^{F3}

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

- (4) ^{F3}
- (5) ^{F3}
- (6) In the following provisions of this Chapter the expression “grant”^{F4} 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- F1** S. 1(1)(a)(b) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 2(a)(i)**,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- F3** S. 1(2)-(5) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, **Sch. 3 para. 2(b)**, **Sch.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))
- F4** 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—
- particulars of the works in respect of which the grant is sought (in this Chapter referred to as the “relevant works”);
 - 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;
 - particulars of any preliminary or ancillary services and charges in respect of the cost of which the grant is also sought; and
 - 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—
- relate to the application and the preparation for and the carrying out of works, and
 - 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.

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**

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

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;
- ^{F5}(e)
- (f) a [^{F6}Strategic Health Authority,] health authority, special health authority [^{F7}, Primary Care Trust][^{F8}, NHS trust or NHS foundation trust];
- ^{F9}[(g) a police authority established under section 3 of the Police Act 1996 ^{F10} ;]
- (h) a joint authority established by Part IV of the ^{M1}Local Government Act 1985;
- (i) a residuary body established by Part VII of that Act; ^{F11} . . .
- (j) an authority established under section 10(1) of that Act (waste disposal) [^{F12}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

- F5** 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**
- F6** 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)**
- F7** Words in s. 3(2)(f) inserted (8.2.2000) by S.I. 2000/90, arts. 1, 3(1), **Sch. 1 para. 31(2)**
- F8** 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
- F9** 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)**
- F10** 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)
- F11** 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)**
- F12** 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)**

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

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.

F13

Textual Amendments

F13 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.

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))

6 Defective dwellings.

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))

Renovation grants

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

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))

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

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

F17
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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))

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

F18
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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))

10 Renovation grants: prior qualifying period.

F19
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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))

11 Prior qualifying period: the ownership or tenancy condition.

F20
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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))

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

F21
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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))

13 Renovation grants: approval of application.

F22
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Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

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))

Common parts grants

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

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))

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

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))

16 Common parts grants: certificate required to accompany application.

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))

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

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))

18 Common parts grants: approval of application.

F27

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

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))

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 ^{F28} . . . 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) ^{F29}, 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” ^{F30} or an “occupier's application”], in relation to a ^{F31} . . . 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 ^{F32} . . . 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 ^{F33} . . . grant, includes—
- (a) a secure tenant, introductory tenant or statutory tenant,
 - (b) a protected occupier under the ^{M2}Rent (Agriculture) Act 1976 or a person in occupation under an assured agricultural occupancy within the meaning of Part I of the ^{M3}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 ^{F34} . . . grant, shall be construed accordingly.

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

Textual Amendments

- F28** 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))
- F29** 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))
- F30** 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))
- F31** 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))
- F32** 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))
- F33** 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))
- 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))

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 ^{F35} . . . grant, means the disabled person for whose benefit it is proposed to carry out any of the relevant works.

Textual Amendments

- F35** 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 ^{F36} . . . 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 ^{F37} . . . grant, certifies that the applicant—

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Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

- (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

- F36** 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))
- F37** 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 ^{F38} . . . grant unless it is accompanied by a tenant’s certificate.
- (2) A “tenant’s certificate”, for the purposes of an application for a ^{F39} . . . 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 ^{F40} . . . 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

- F38** 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))
- F39** 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))
- 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}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.

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

- (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

F41 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 ^{F42} . . . grant must be approved, subject to the provisions of this Chapter, are the following—
- (a) facilitating access by the disabled occupant to and from
 - ^{F43}(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
 - ^{F44}(i) the dwelling, qualifying houseboat or qualifying park home, or
 - (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 ^{F45}, qualifying houseboat or qualifying park home] to meet the needs of the disabled occupant or, if there is no existing heating system ^{F46}there] or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs;

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Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

- (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 [^{F45}, qualifying houseboat or qualifying park home] in order to enable him to care for a person who is normally resident [^{F46}there] and is in need of such care;
 - (l) such other purposes as may be specified by order of the Secretary of State.
- (2) ^{F47}
- (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) ^{F48} . . . , 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

- F42** 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))
- F43** 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))
- F44** 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))
- F45** 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))
- F46** 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))
- F47** 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))
- F48** 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.

- [^{F49}(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 ^{F50}. . . 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 ^{F51}. . . 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
 - [^{F52}(i) the dwelling, qualifying houseboat or qualifying park home, or

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Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

(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 ^{F53} . . . 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 ^{M4}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 ^{F54} . . . grant unless they are satisfied that the applicant has a power or is under a duty to carry out the relevant works.

Textual Amendments

- F49** 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))
- F50** 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))
- F51** 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))
- F52** 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))
- F53** 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))
- F54** 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.

^{F55}

Textual Amendments

- F55** 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.

^{F56}

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

Textual Amendments

F56 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.

F57

Textual Amendments

F57 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.

F58

Textual Amendments

F58 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 [^{F59} qualifying houseboat, qualifying park home or] common parts ^{F60} . . . concerned, they shall consider the condition of the premises at the date of the application.

- (4) ^{F61} . . . a local housing authority shall not approve an application for a grant if the relevant works have been completed.
- (5) ^{F62}
- (6) ^{F63}

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

Textual Amendments

- F59** 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))
- F60** 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))
- F61** 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))
- F62** 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))
- F63** 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) ^{F64}
- (2) ^{F65}
- (3) ^{F66}
- (4) If in the case of an application for a ^{F67} . . . 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 ^{F68} . . . (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, 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.

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(9) In this section “regulations” means regulations made by the Secretary of State with the consent of the Treasury.

Textual Amendments

- F64** 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))
- F65** 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))
- F66** 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))
- F67** 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))
- F68** 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))

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.

- [^{F69}(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) ^{F70}
- (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

- F69** 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))
- F70** 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))

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

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.

^{F71}

Textual Amendments

- F71** 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))

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 ^{F72} . . . different circumstances.
- (3) ^{F73}
- (4) An authority may not ^{F74} . . . pay an amount of grant in excess of a specified maximum amount.

Textual Amendments

- F72** 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))
- F73** 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))
- F74** 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.

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Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

- (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,
 - (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

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- (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) [^{F75}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.

Textual Amendments

- F75** 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.

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

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.

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^{F76}. . . .

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—
 - [^{F77}(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)^{F78}

- (4) For the purposes of this section an applicant ceases to be a person entitled to a^{F79} . . . grant—

- (a) in the case of an owner's application—
 - (i) if he ceases to have a qualifying owner's interest, or

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- (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) ^{F80}
- (6) ^{F80}
- (7) This section has effect subject to section 56 (provisions relating to death of applicant).

Textual Amendments

- F76** 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))
- F77** 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))
- F78** 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))
- F79** 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))
- F80** 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 ^{F81} . . . grant has been approved and before the certified date—
 - (a) the works cease to be necessary or appropriate to meet the needs of the disabled occupant, or
 - (b) the disabled occupant ceases to occupy the dwelling [^{F82}, qualifying houseboat, qualifying park home] or flat concerned or it ceases to be the intention that he should occupy it, or
 - (c) 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—
 - (a) that no grant shall be paid or, as the case may be, no further instalments shall be paid,
 - (b) that the relevant works or some of them should be completed and the grant or an appropriate proportion of it paid, or

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- (c) 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

- F81** 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))
- F82** 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))

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

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Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

application, any of the applicants) was not, at the time the application was approved, entitled to a grant^{F83}

(2) Where this section applies—

[^{F84}(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)^{F85}

(4) For the purposes of this section an applicant is not entitled to a^{F86} . . . grant—

(a) in the case of an owner’s application—

(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; [^{F87} 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)^{F88}

(6)^{F88}

Textual Amendments

F83 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))

F84 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))

F85 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))

F86 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))

F87 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))

F88 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) [^{F89}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.

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In this Chapter a “grant condition” means a condition having effect in accordance with ^{F90}either] of those sections.

- (2) Except as otherwise provided—
- (a) ^{F91}
 - (b) ^{F92}
 - (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 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 ^{F93}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

- F89** 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))
- F90** 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))
- F91** 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))
- F92** 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))
- F93** 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.

^{F94}

Textual Amendments

- F94** 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))

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

46 Condition for repayment on disposal: common parts grants.

F95

Textual Amendments

F95 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))

47 Condition for repayment on disposal: HMO grants.

F96

Textual Amendments

F96 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.

F97

Textual Amendments

F97 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.

F98

Textual Amendments

F98 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.

F99

Textual Amendments

F99 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))

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

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;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^{F100} . . . or building, and
 - (b) such other persons (if any) as the authority may, with the consent of the Secretary of State, specify.
- (3)^{F101}

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

- (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 ^{F102}section 51].

Textual Amendments

- F100** 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))
- F101** 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))
- F102** 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.

^{F103}

Textual Amendments

- F103** 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.

^{F104}

Textual Amendments

- F104** 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, ^{F105} . . . or building—
- (a) the owner of the dwelling, ^{F105} . . . or building to which the condition relates pays the amount of the grant to the local housing authority by whom the grant was made,

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- (b) a mortgagee of the interest of the owner in that dwelling,^{F105} . . . 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,

that grant condition and any other grant conditions shall cease to be in force with respect to that dwelling,^{F105} . . . or building.

^{F106}(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^{M5}Settled Land Act 1925,
 - ^{F107}(b)
 - (c) section 26 of the^{M6}Universities and College Estates Act 1925,include the making of payments under this section.

Textual Amendments

F105 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))

F106 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))

F107 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).

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Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

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—

- (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).

[^{F108}(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.]

(3) ^{F109}

Textual Amendments

F108 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))

F109 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 1.

In this Chapter—

“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 ^{F110} . . . grant, means an application in respect of works to the common parts of a building containing one or more flats;

^{F111}

“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.

[^{F112}“premises” includes a qualifying houseboat or a qualifying park home;]

[^{F113}“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),

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

[^{F114}“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.]

Textual Amendments

- F110** 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))
- F111** 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))
- F112** 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))
- F113** 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))
- F114** In s. 58 definition of "qualifying park home" 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))

59

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

F115	F115
.
F115	F115
.
certified date	section 44(3)(b)
common parts	section 58
common parts application (in relation to	section 58
a	
F116	
. . . grant)	
F115	F115

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...	...
F115	F115
...	...
F115	F115
...	...
F115	F115
...	...
disabled occupant	section 20
disabled person	section 100(1) to (3)
dwelling	section 101
F115	F115
...	...
eligible works	section 34(2)(a)
estimated expense	section 34(2)
F115	F115
...	...
fit for human habitation	section 97(1)
flat	section 58
grant	section 1(6)
F117	
...	
grant condition	section 44(1)
grant condition period	section 44(3)(a)
F115	F115
...	...
F115	F115
...	...
housing action trust	section 101
F115	F115
...	...
introductory tenant	section 101
F115	
...	
F115	F115
...	...
F115	F115
...	...
local authority	section 101
local housing authority	section 101
F115	F115

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...	...
member of family	section 98(1)
new town corporation	section 101
[^{F118} occupier's application	section 19(1) and (2)]
F115	F115
...	...
owner	sections 99 and 101
F115	F115
...	...
owner's application	
F119	F119
...	...
—in relation to a	section 19(1) and (2)
F119	
... grant	
owner's certificate (in relation to an	section 21(2)
application for a	
F120	
... grant)	
owner's interest	section 101
F115	F115
...	...
F115	F115
...	...
preliminary or ancillary services and	section 2(3)
charges	
[^{F121} premises	section 58]
prescribed	section 101
[^{F122} qualifying houseboat	section 58]
qualifying owner's interest	
F123	F123
...	...
—in relation to an application for a	section 19(4)
F123	
... grant	
F123	F123
...	...
[^{F124} qualifying park home	section 58]
qualifying tenant	
F125	F125
...	...

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–in relation to an application for a F125	section 19(4)
... grant	
F115	F115
...	...
F115	F115
...	...
F115	F115
...	...
relevant works (in relation to a grant application)	section 2(2)(a)
F115	F115
...	...
F115	F115
...	...
F126	section 101
... secure tenant	
social services authority	section 100(4)
F127	section 101
... statutory tenant	
tenancy and tenant (generally)	section 101
tenant (and expressions relating to tenancies)	
F128	F128
...	...
F128	F128
...	...
F128	F128
...	...
–in the context of an application for F128	section 19(5)
... grant	
tenant’s application	
F129	F129
...	...
–in relation to a F129	section 19(1) and (2)
... grant	
F115	F115
...	...
tenant’s certificate	
F130	F130
...	...

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Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

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

a
F130

. . . grant

urban development corporation

section 101

Textual Amendments

- F115** 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))
- F116** 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))
- F117** 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))
- F118** 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))
- F119** 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))
- F120** 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))
- F121** 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))
- F122** 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))
- F123** 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))
- F124** 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))
- F125** 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))
- F126** 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))
- F127** 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))
- F128** 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))
- F129** 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))
- F130** 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(l)**, **Sch. 6** (with art. 11(2))

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

F131F131 CHAPTER II

Textual Amendments

F131 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

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

F138F138 CHAPTER III

Textual Amendments

F138 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))

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—

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

- (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 ^{M15}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.
- (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 ^{M16}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—

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

- (a) 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
 - (b) 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.

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.

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

- (2) The provisions of section 604A(2) to (4) of the ^{M17}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.

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

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

- (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—
 - (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 ^{M18}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

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

- (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.

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 ^{M19}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 ^{M20}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.

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

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—

- (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 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

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 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

- (2) ^{F140}
- (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

F140 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) ^{F141}
- (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

F141 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) [^{F142}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) ^{F143}

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

- (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) ^{F143}
- (5) ^{F143}
- (6) In this section “charity” does not include a registered social landlord but otherwise has the same meaning as in the ^{M21}Charities Act 1993.

Textual Amendments

F142 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))

F143 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

^{F144}96 Meaning of “reasonable repair”.

.....

Textual Amendments

F144 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 ^{M22}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 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

Marginal Citations

M22 1985 c. 68.

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

- (1) Section 113 of the ^{M23}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) ^{F145}

Textual Amendments

F145 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—

Status: Point in time view as at 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

- (a) he is registered in pursuance of any arrangements made under section 29(1) of the ^{M24}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 ^{M25}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 ^{M26}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 ^{M27}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 ^{M28}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;

^{F146}

^{F146}

“housing action trust” means a housing action trust established under Part III of the ^{M29}Housing Act 1988 and includes any body established by order under section 88 of the Housing Act 1988;

^{F146}

“introductory tenancy” and “introductory tenant” have the same meaning as in Chapter I of Part V of the ^{M30}Housing Act 1996;

“local authority” and “local housing authority” have the same meaning as in the ^{M31}Housing Act 1985;

^{F146}

“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 ^{M32}New Towns Act 1981;

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Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

“owner”, in relation to a dwelling, has the meaning given by section 99
F147 . . . ;
“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;
F146
“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;
[F148“secure tenant” has] the same meaning as in Part IV of the M33Housing
Act 1985;
[F149“statutory tenant” means a] statutory tenant within the meaning of the
M34Rent Act 1977 or the M35Rent (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
M36Local Government, Planning and Land Act 1980.

Textual Amendments

- F146** 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))
- F147** 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))
- F148** 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))
- F149** 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 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I. (See end of Document for details)

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 [^{F150}Chapter 1] of this Part have effect in place of Part VIII of the ^{M37}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

F150 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 01/04/2004.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part 1. (See end of Document for details)

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.

Status:

Point in time view as at 01/04/2004.

Changes to legislation:

There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part I.