



Housing Grants, Construction and Regeneration Act 1996

1996 CHAPTER 53

PART I

GRANTS, &C. FOR RENEWAL OF PRIVATE SECTOR HOUSING

CHAPTER III

HOME REPAIR ASSISTANCE

76 Home repair assistance.

- (1) A local housing authority may, on application being made to them, give assistance under this Chapter (“home repair assistance”) in the form of a grant or the provision of materials for the carrying out of works of repair, improvement or adaptation to a dwelling.
- (2) The Secretary of State may by order make provision as to the total amount or value of home repair assistance that may be given—
 - (a) on any one application, or
 - (b) in respect of the same dwelling in any period of three years.
- (3) Home repair assistance shall not be given in respect of works—
 - (a) for which a grant under Chapter I has been approved or in respect of which an application for a grant is pending, or
 - (b) which are specified in a group repair scheme approved under Chapter II or prepared and awaiting the approval of the Secretary of State.

Status: Point in time view as at 06/04/2003.

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

Commencement Information

- II** S. 76 wholly in force; s. 76 not in force at Royal Assent see s. 150; s. 76 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, art. 2(2); s. 76 in force insofar as not already in force at 17.12.1996 by S.I. 1996/2842, art. 3

77 Entitlement to home repair assistance.

- (1) Subject to the following provisions of this section, a local housing authority shall not entertain an application for home repair assistance unless they are satisfied—
- (a) that the applicant is aged 18 or over on the date of the application,
 - (b) that he lives in the dwelling as his only or main residence,
 - (c) that he has an owner's interest in the dwelling, or is a tenant of the dwelling, alone or jointly with others,
 - (d) that he has a duty or power to carry out the works in question, and
 - (e) that he or his partner is in receipt of income support, [^{F1}housing benefit, council tax benefit, any element of child tax credit other than the family element or working tax credit].
- (2) In the case of an application in respect of works to adapt a dwelling to enable an elderly, disabled or infirm person to be cared for, the condition in subsection (1)(b) shall be treated as met if the elderly, disabled or infirm person (whether or not the applicant) lives or proposes to live in the dwelling as his only or main residence.
- (3) For the purposes of the condition in subsection (1)(c) “tenant” includes—
- (a) a secure tenant or statutory tenant,
 - (b) a protected occupier under the ^{M1}Rent (Agriculture) Act 1976 or a person in occupation under an assured agricultural occupancy within the meaning of Part I of the ^{M2}Housing Act 1988, and
 - (c) an employee (whether full-time or part-time) who occupies the dwelling or flat concerned for the better performance of his duties;
- but does not include a tenant of an authority or body mentioned in section 3(2) (authorities and bodies not eligible to apply for grants under Chapter I).
- (4) An application may be made by a person who does not satisfy the condition in subsection (1)(c) but who occupies the dwelling under a right of exclusive occupation granted for his life or for a period of more than five years.

But except in the case of—

- (a) works to adapt a dwelling to enable an elderly, disabled or infirm person, who lives or proposes to live in the dwelling as his only or main residence, to be cared for,
- (b) works relating to means of escape from fire or other fire precautions, or
- (c) any works to a dwelling in a renewal area,

the local housing authority shall not entertain an application made by virtue of this subsection unless they are satisfied that the applicant has occupied the dwelling as his only or main residence for a period of at least three years immediately preceding the date of the application.

- (5) The condition in subsection (1)(e) does not apply—
- (a) to an applicant who is elderly, disabled or infirm, or

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- (b) to an application in respect of works to adapt a dwelling to enable an elderly, disabled or infirm person, who lives or proposes to live in the dwelling, to be cared for.

Textual Amendments

- F1** Words in s. 77(1)(e) substituted (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 3 para. 58](#); [S.I. 2003/962](#), [art. 2\(3\)\(d\)\(iii\)](#)

Modifications etc. (not altering text)

- C1** [S. 77\(1\)\(e\)](#) amended (W.) (17.11.1999) by [S.I. 1999/3084](#), [reg. 2](#)
[S. 77\(1\)\(e\)](#) amended (E.) (17.11.1999) by [S.I. 1999/2766](#), [reg. 2](#)

Marginal Citations

- M1** 1976 c. 80.
M2 1988 c. 50.

78 Assistance in respect of house-boats and mobile homes.

- (1) Subject to the following provisions of this section, sections 76 and 77 (home repair assistance) apply in relation to a house-boat or mobile home as in relation to a dwelling.
- (2) For the purposes of those sections as they apply in relation to a house-boat or mobile home, any person lawfully in occupation of the house-boat or mobile home shall be treated as a person with an owner's interest in or a tenant of a dwelling.
- But except in the case of—
- (a) works to adapt a house-boat or mobile home to enable an elderly, disabled or infirm person, who lives or proposes to live there as his only or main residence, to be cared for, or
- (b) works relating to means of escape from fire or other fire precautions,
- the local housing authority shall not entertain an application for home repair assistance unless the residence requirement is met.
- (3) The residence requirement in the case of a house-boat is that the local housing authority are satisfied that—
- (a) the applicant has occupied the boat as his only or main residence for a period of at least three years immediately preceding the date of the application;
- (b) the boat has for that period had its only or main mooring in the same locality on an inland waterway or in marine waters within the boundary of the authority; and
- (c) the applicant had a right to moor his boat there.
- (4) The residence requirement in the case of a mobile home is that the local housing authority are satisfied that—
- (a) the applicant has occupied the mobile home as his only or main residence for a period of at least three years immediately preceding the date of the application;
- (b) the mobile home has for that period been on land forming part of the same protected site within the meaning of the ^{M3}Mobile Homes Act 1983; and
- (c) the applicant occupied it under an agreement to which that Act applies or under a gratuitous licence.

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(5) In this section—

“house-boat” means a boat or similar structure designed or adapted for use as a place of permanent habitation, and

“mobile home” means a caravan within the meaning of Part I of the ^{M4}Caravan Sites and Control of Development Act 1960 (disregarding the amendment made by section 13(2) of the ^{M5}Caravan Sites Act 1968),

which is a dwelling for the purposes of Part I of the ^{M6}Local Government Finance Act 1992 (council tax).

Marginal Citations

M3 1983 c. 34.

M4 1960 c. 62.

M5 1968 c. 52.

M6 1992 c. 14.

79 Power to make further provision by regulations.

(1) The Secretary of State may by regulations make provision as to—

- (a) the manner of making an application for home repair assistance and the contents of such an application;
- (b) the procedure for dealing with applications for home repair assistance and for ensuring that works are carried out to any standard specified in the regulations;
- (c) the way in which the amount of home repair assistance to be given on any application is to be determined; and
- (d) the taking into account (in such manner and to such extent as may be prescribed) of the financial circumstances of the applicant.

(2) The Secretary of State may by regulations make provision extending or restricting the availability of home repair assistance, by reference to such description of persons, circumstances or other factors as the Secretary of State thinks fit.

(3) Regulations under subsection (2) 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.

80 Index of defined expressions: Chapter III.

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

disabled person	section 100(1) to (3)
dwelling	section 101
elderly	section 101
home repair assistance	section 76(1)
improvement	section 101
local housing authority	section 101

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owner's interest	section 101
partner	section 101
prescribed	section 101
renewal area	section 101
secure tenant	section 101
statutory tenant	section 101
tenancy and tenant (generally)	section 101

Status:

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Changes to legislation:

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