



Housing Defects Act 1984

1984 CHAPTER 50

Miscellaneous and Supplemental

13 Dwellings included in more than one designation

- (1) For the purposes of this Act, where a person is already eligible for assistance in respect of a defective dwelling at a time when a designation under section 1 or 12 of this Act comes into operation, being a designation of a class within which the building that consists of or includes the dwelling falls, that designation is to be disregarded in his case if either—
 - (a) he would not be eligible for assistance in respect of the defective dwelling if it were the only designation, or
 - (b) he is entitled to assistance by way of repurchase in respect of the defective dwelling.

- (2) Where a person is eligible for assistance in respect of a defective dwelling and the building that consists of or includes the dwelling falls within two or more designations under section 1 or 12 of this Act, being designations which are not required to be disregarded in his case (in this subsection referred to as "applicable designations"), then, in relation to the dwelling, this Act (except sections 1 and 12) shall have effect as if—
 - (a) references to the designation, or the provision, by virtue of which it is a defective dwelling were references to any applicable designation or, as the case may be, to any provision under which an applicable designation was made,
 - (b) references to the qualifying defect were references to any qualifying defect described in any applicable designation,
 - (c) references to the period within which persons may seek assistance under this Act were references to any period specified for that purpose in any applicable designation, and
 - (d) the reference in paragraph 1(1)(c) of Schedule 1 to this Act to the maximum amount permitted to be taken into account for the purposes of that paragraph were a reference to the sum of those maximum amounts for each applicable designation.

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- (3) In any case where—
- (a) notice has been given to a person at any time under section 4(1) of this Act stating that he is, in the opinion of the appropriate authority, eligible for assistance in respect of a defective dwelling, and
 - (b) the building that consists of or includes the dwelling falls within a class designated under section 1 or 12 of this Act by a designation coming into operation after that time,
- the appropriate authority shall, as soon after that time as it is reasonably practicable to do so, give him notice in writing stating whether or not in their opinion the designation referred to in paragraph (b) above is to be disregarded in his case; and if, in their opinion, it is to be disregarded, the reasons for their view.
- (4) Subsections (5) to (8) below apply in any case where—
- (a) a person is entitled to assistance by way of reinstatement grant in respect of a defective dwelling at a time when a designation under section 1 or 12 of this Act comes into operation, being a designation of a class within which the building that consists of or includes the dwelling falls (in this and the following subsections referred to as the "later designation"), and
 - (b) the later designation is not required to be disregarded in his case.
- (5) Where it becomes apparent to the appropriate authority that this subsection applies in the case of any person, they shall forthwith give him notice in writing—
- (a) stating the effect of subsection (2) above and subsection (6) below and of the further designation, and
 - (b) informing him that he has the right to make a claim under section 3(5) of this Act.
- (6) Where it becomes apparent to the authority that this subsection applies in the case of any person, they shall as soon as it is reasonably practicable to do so—
- (a) make a further determination under section 3(2) of this Act (taking account of the later designation), and
 - (b) give a further notice under section 4(2) of this Act in place of the previous notice,
- and where the determination is that he is entitled to assistance by way of repurchase, the notice shall state the effect of subsections (7) and (8) below.
- (7) Where a further notice under section 4(2) of this Act stating that a person is entitled to assistance by way of repurchase is given in place of a previous notice and either—
- (a) he satisfies the authority that he has, before the further notice is received, entered into a contract with another to provide services or materials for the purpose of executing any of the work stated in the previous notice or in a notice under paragraph 3 of Schedule 1 to this Act (in this subsection and subsection (8) below referred to as the "relevant work"), or
 - (b) any of the relevant work has been carried out before the further notice is received and has been carried out to the satisfaction of the appropriate authority,
- then, notwithstanding anything in subsection (6) above, the previous notice and any notice under paragraph 3 of that Schedule given before the further notice is received shall continue to have effect for the purposes of section 5 of and Schedule 1 to this Act in relation to the relevant work or, in a case falling within paragraph (b) above, in relation to so much of the relevant work as has been carried out as mentioned in that

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paragraph; and the authority shall, subject to subsection (8) below, pay reinstatement grant accordingly.

(8) In any case where—

- (a) the relevant work is not completed but part of that work is carried out to the satisfaction of the appropriate authority,
- (b) the notice in question continues to have effect in relation to that part of the work by virtue of subsection (7) above, and
- (c) that part of the work is carried out within the period stated in the notice in question,

paragraph 5 of Schedule 1 to this Act shall not apply in relation to reinstatement grant paid in respect of that part of the work and the amount payable in respect of that part of the work shall be an amount equal to the maximum instalment of grant that would have been payable under paragraph 4 of that Schedule in respect of that part of the work.