



Housing Act 1985

1985 CHAPTER 68

PART XVI

ASSISTANCE FOR OWNERS OF DEFECTIVE HOUSING

Determination of entitlement

534 Application for assistance.

A person seeking assistance under this Part in respect of a defective dwelling shall make a written application to the local housing authority within a period specified in the relevant designation.

535 Application not to be entertained where grant application pending or approved.

(1) The local housing authority shall not entertain an application for assistance under this Part if—

- (a) an application has been made in respect of the defective dwelling (whether before or after the relevant designation came into operation) for [^{F1}renovation grant or common parts grant under Chapter I of Part I of the Housing Grants, Construction and Regeneration Act 1996 (grants for renewal of private sector housing).], and
- (b) the relevant works in relation to that grant include the whole or part of the work required to reinstate the dwelling,

unless the grant application has been refused or has been withdrawn under subsection (2) or the relevant works have been completed.

(2) Where a person has applied for such a grant in respect of a dwelling and—

- (a) the dwelling is a defective dwelling, and
- (b) the relevant works include the whole or part of the work required to reinstate it,

he may withdraw his application, whether or not it has been approved, if the relevant works have not been begun.

Status: Point in time view as at 30/01/2021.

Changes to legislation: Housing Act 1985, Cross Heading: Determination of entitlement is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In this section “relevant works”, in relation to a grant, has the same meaning as in Part XV.

Textual Amendments

- F1** Words in s. 535(1)(a) substituted (17.12.1996) by 1996 c. 53, s. 103, **Sch. 1 para. 9**; S.I. 1996/2842, **art. 3**

536 Determination of eligibility.

- (1) A local housing authority receiving an application for assistance under this Part shall as soon as reasonably practicable give notice in writing to the applicant stating whether in their opinion he is eligible for assistance in respect of the defective dwelling.
- (2) If they are of opinion that he is not so eligible, the notice shall state the reasons for their view.
- (3) If they are of opinion that he is so eligible, the notice shall inform him of his right to make such a claim as is mentioned in section 537(2) (claim that assistance by way of reinstatement grant is appropriate in his case).

537 Determination of form of assistance to which applicant is entitled.

- (1) A local housing authority receiving an application for assistance under this Part shall, if the applicant is eligible for assistance, determine [^{F2}as soon as reasonably practicable] whether he is entitled to assistance by way of reinstatement grant or by way of repurchase.
- (2) If the authority are satisfied, on a claim by the applicant to that effect, that it would be unreasonable to expect him to secure or await the carrying out of the work required to reinstate the defective dwelling, the applicant is entitled to assistance by way of repurchase.
- (3) Subject to subsection (2), the applicant is entitled to assistance by way of reinstatement grant if the authority are satisfied that the conditions for such assistance set out in section 538 are met, and otherwise to assistance by way of repurchase.

Textual Amendments

- F2** Words inserted by **Local Government and Housing Act 1989 (c. 42, SIF 61), s. 166(2)**

538 Conditions for assistance by way of reinstatement grant.

- (1) The conditions for assistance by way of reinstatement grant are, subject to any order under subsection (2)—
 - (a) that the dwelling is a house (as defined in section 575);
 - (b) that if the work required to reinstate the dwelling (together with any other work which the local housing authority are satisfied the applicant proposes to carry out) were carried out—
 - (i) the dwelling would be likely to provide satisfactory housing accommodation for a period of at least 30 years, and

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- (ii) an individual acquiring the freehold of the dwelling with vacant possession would be likely to be able to arrange a mortgage on satisfactory terms with a lending institution;
 - (c) that giving assistance by way of reinstatement grant is justified having regard, on the one hand, to the amount of reinstatement grant that would be payable in respect of the dwelling and, on the other hand, to the likely value of the freehold of the dwelling with vacant possession after the work required to reinstate it has been carried out; and
 - (d)^{F3}
- (2) The Secretary of State may by order amend the conditions set out in subsection (1) so as to modify or omit any of the conditions or to add or substitute for any of the conditions other conditions.
- (3) An order—
- (a) may make different provision for different classes of case,
 - (b) shall be made by statutory instrument, and
 - (c) shall not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (4) An order does not affect an application for assistance made before the order comes into force.

Textual Amendments

F3 S. 538(1)(d) repealed by S.I. 1988/884, art. 2

539 Meaning of “work required for reinstatement” and “associated arrangement”.

- (1) For the purposes of this Part the work required to reinstate a defective dwelling is the work relating to the dwelling that is required to be done to the building that consists of or includes the dwelling in order to deal satisfactorily with the qualifying defect, together with any further work—
- (a) required to be done, in order to deal satisfactorily with the qualifying defect, to any garage or outhouse designed or constructed as that building is designed or constructed, being a garage or outhouse in which the interest of the person eligible for assistance subsists and which is occupied with and used for the purposes of the dwelling or any part of it, or
 - (b) reasonably required in connection with other work falling within this subsection.

[^{F4}(1A) In any case where—

- (a) the most satisfactory way of dealing with the qualifying defect is substantially to demolish the building that consists of or includes the defective dwelling or a part of that building, and
- (b) it is practicable to rebuild the building or part concerned on, or substantially on, its existing foundations and reconstruct the dwelling to the same, or substantially the same, plan,

the work required to carry out those operations shall be regarded for the purposes of this Part as work required to reinstate the defective dwelling.]

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- (2) In this Part “associated arrangement” means an arrangement which is entered into in connection with the execution of the work required to reinstate a defective dwelling and is likely to contribute towards the dwelling being regarded as an acceptable security by a lending institution.

Textual Amendments

F4 S. 539(1A) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 166(3)

540 Notice of determination.

- (1) Where an applicant is eligible for assistance, the authority to whom the application was made shall as soon as reasonably practicable give him notice in writing (a “notice of determination”) stating the form of assistance to which he is entitled.
- (2) If, on such a claim by the applicant as is mentioned in section 537(2) (claim that assistance by way of reinstatement grant is inappropriate in his case), the authority are not satisfied that it would be unreasonable to expect him to secure or await the carrying out of the work required to reinstate the defective dwelling, the notice shall state the reasons for their view.
- (3) A notice stating that the applicant is entitled to assistance by way of reinstatement grant shall also state—
- (a) the grounds for the authority’s determination;
 - (b) the work which, in their opinion, is required to reinstate the defective dwelling;
 - (c) the amount of expenditure which, in their opinion, may properly be incurred in executing the work;
 - (d) the amount of expenditure which, in their opinion, may properly be incurred in entering into an associated arrangement;
 - (e) the condition required by section 542 (execution of work to satisfaction of authority within specified period), including the period within which the work is to be carried out; and
 - (f) their estimate of the amount of grant payable in respect of the dwelling in pursuance of this Part.
- (4) A notice stating that the applicant is entitled to assistance by way of repurchase shall also state the grounds for the authority’s determination and the effect of—
- (a) paragraphs 1 to 3 of Schedule 20 (request for notice of proposed terms of repurchase), and
 - (b) sections 554, 556 and 557(1) (provisions for grant of tenancy to former owner-occupier of repurchased dwelling).
- (5) References in the following provisions of this Part to a person entitled to assistance by way of reinstatement grant or, as the case may be, by way of repurchase are to a person who is eligible for assistance in respect of the dwelling and on whom a notice of determination has been served stating that he is entitled to that form of assistance.

Status:

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