



Housing Grants, Construction and Regeneration Act 1996

1996 CHAPTER 53

PART I **U.K.**

GRANTS, &C. FOR RENEWAL OF PRIVATE SECTOR HOUSING

VALID FROM 11/09/1996

CHAPTER V **E+W**

SUPPLEMENTARY PROVISIONS

Contributions by Secretary of State

92 Contributions by the Secretary of State. **E+W**

- (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.

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

- (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the authority shall not declare the area concerned to be a renewal area until the application is approved, refused or withdrawn.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

- II** 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

VALID FROM 17/12/1996

93 Recovery of contributions. **E+W**

- (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.
- (2) For the purposes of this section—
 - (a) a “grant” includes the cost of scheme works for a group repair scheme (see section 62(1)), and
 - (b) “repayment of grant” includes the payment to the authority of the balance of the cost (see section 69(3)) by assisted participants in such a scheme.
- (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.

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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.

Consent of the Secretary of State

94 Consent of the Secretary of State. E+W

The consent of the Secretary of State for the purposes of—

- (a) section 45(4)(b), 46(4) or 47(4) (consent to waiver of liability to repay renovation grant, common parts grant or HMO grant on disposal), or
- (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.

VALID FROM 17/12/1996

Parsonages, charities, &c.

95 Parsonages, charities, &c. E+W

- (1) The provisions of Chapter I (main grants) mentioned below 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) Those provisions are—
 - (a) sections 7 to 11 (conditions for application for renovation grant);
 - (b) sections 19, 21 and 22 (conditions for application for disabled facilities grant);
 - (c) sections 25 and 26 (conditions for application for HMO grant).
- (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) In Chapter II (group repair schemes), in section 64(2) (persons eligible to participate in group repair scheme as assisted participants), the requirement in paragraph (a) that a person give an owner-occupation certificate or a certificate of intended letting does not apply if—
 - (a) the person concerned is a charity or the trustee of a charity, or
 - (b) the dwelling is the residence house of an ecclesiastical benefice;

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and the requirement in paragraph (b) that a person give a certificate of future occupation does not apply if the person concerned is a charity or the trustee of a charity.

- (5) In Chapter III (home repair assistance), section 77(1)(c) (condition that applicant have owner's interest or tenancy) does not apply to an application by an individual in respect of glebe land or the residence house of an ecclesiastical benefice.
- (6) In this section "charity" does not include a registered social landlord but otherwise has the same meaning as in the ^{M1}Charities Act 1993.

Marginal Citations

M1 1993 c. 10.

Interpretation

VALID FROM 17/12/1996

96 Meaning of "reasonable repair". **E+W**

In determining for the purposes of this Part what is "reasonable repair", in relation to a dwelling, house or building, a local housing authority—

- (a) shall have regard to the age and character of the dwelling, house or building and the locality in which it is situated, and
- (b) shall disregard the state of internal decorative repair.

VALID FROM 17/12/1996

97 Fitness for human habitation. **E+W**

- (1) Section 604 of the ^{M2}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.

Marginal Citations

M2 1985 c. 68.

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VALID FROM 01/01/1997

98 Members of a person's family and connected persons. **E+W**

- (1) Section 113 of the ^{M3}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) For the purposes of this Part a person is connected with the owner for the time being of a dwelling if—
 - (a) in a case where personal representatives or trustees are the owner, he is a person who under the will or intestacy or, as the case may be, under the terms of the trust concerned is beneficially entitled to an interest in the dwelling ^{F1} . . . ;
 - (b) in any other case, he is a member of the family of the owner.

Textual Amendments

F1 Words in s. 98(2)(a) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch. 4** (with ss. 24(2), 25(5)); S.I. 1996/2974, **art. 2**

Marginal Citations

M3 1985 c. 68.

VALID FROM 17/12/1996

99 Meaning of “owner” of dwelling. **E+W**

- (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.

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VALID FROM 17/12/1997

100 Disabled persons. E+W

- (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—
 - (a) he is registered in pursuance of any arrangements made under section 29(1) of the ^{M4}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 ^{M5}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 ^{M6}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 ^{M7}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 ^{M8}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

- M4** 1948 c. 29.
M5 1989 c. 41.
M6 1989 c. 41.
M7 1970 c. 42.
M8 1948 c. 29.

101 Minor definitions: Part I. E+W

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;

“elderly” means aged 60 years or over;

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“house in multiple occupation” has the same meaning as in Part VII of the ^{M9}Local Government and Housing Act 1989;

“housing action trust” means a housing action trust established under Part III of the ^{M10}Housing Act 1988 and includes any body established by order under section 88 of the Housing Act 1988;

“improvement” includes alteration and enlargement;

“introductory tenancy” and “introductory tenant” have the same meaning as in Chapter I of Part V of the ^{M11}Housing Act 1996;

“local authority” and “local housing authority” have the same meaning as in the ^{M12}Housing Act 1985;

“long tenancy” has the meaning assigned by section 115 of that Act;

“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 ^{M13}New Towns Act 1981;

“owner”, in relation to a dwelling, has the meaning given by section 99, and, in relation to a house in multiple occupation, has the same meaning as in Part XI of the Housing Act 1985;

“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;

“partner”, in relation to a person, means that person’s spouse or a person other than a spouse with whom he or she lives as husband or wife;

“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;

“secure tenancy” and “secure tenant” have the same meaning as in Part IV of the ^{M14}Housing Act 1985;

“statutory tenancy” and “statutory tenant” mean a statutory tenancy or statutory tenant within the meaning of the ^{M15}Rent Act 1977 or the ^{M16}Rent (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 ^{M17}Local Government, Planning and Land Act 1980.

Commencement Information

- I2** 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

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Marginal Citations

- M9 1989 c. 42.
- M10 1988 c. 50.
- M11 1996 c. 52.
- M12 1985 c. 68.
- M13 1981 c. 64.
- M14 1985 c. 68.
- M15 1977 c. 42.
- M16 1976 c. 80.
- M17 1980 c. 65.

Transitional and consequential provisions

102 Transitional provisions. E+W

- (1) The provisions of Chapters I to III of this Part have effect in place of Part VIII of the ^{M18}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.

Commencement Information

- I3 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

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Marginal Citations

M18 1989 c. 42.

VALID FROM 17/12/1996

103 Consequential amendments: Part I. **E+W**

The enactments mentioned in Schedule 1 have effect with the amendments specified there which are consequential on the provisions of this Part.

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