



Housing Grants, Construction and Regeneration Act 1996

1996 CHAPTER 53

PART IV

GRANTS &C. FOR REGENERATION, DEVELOPMENT AND RELOCATION

Relocation grants in clearance areas

138 Relocation grants: liability to repay is a charge on dwelling.

- (1) The liability that may arise under a condition under section 135, or under section 136(4), is a charge on the qualifying dwelling, taking effect as if it had been created by deed expressed to be by way of legal mortgage.
- (2) The charge has priority immediately after any legal charge securing an amount—
 - (a) advanced to the applicant by an approved lending institution for the purpose of enabling him to acquire the dwelling, or
 - (b) further advanced to him by that institution;but the local housing authority may at any time by written notice served on an approved lending institution postpone the charge taking effect by virtue of this section to a legal charge securing an amount advanced or further advanced to the applicant by that institution.
- (3) A charge taking effect by virtue of this section is a land charge for the purposes of section 59 of the ^{M1}Land Registration Act 1925 notwithstanding subsection (5) of that section (exclusion of mortgages), and subsection (2) of that section applies accordingly with respect to its protection and realisation.
- (4) A condition under section 135 or 136 does not, by virtue of its binding any person who is for the time being an owner of the dwelling, bind a person exercising rights under a charge having priority over the charge taking effect by virtue of this section, or a person deriving title under him.

Status: Point in time view as at 16/12/1997. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Section 138. (See end of Document for details)

- (5) The approved lending institutions for the purposes of section 156 of the ^{M2}Housing Act 1985 (right to buy: liability to repay discount is a charge on premises) are also approved lending institutions for the purposes of this section.

Marginal Citations

M1 1925 c. 21.

M2 1985 c. 68.

Status:

Point in time view as at 16/12/1997. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Section 138.