



# Housing Grants, Construction and Regeneration Act 1996

## 1996 CHAPTER 53

### PART I

#### GRANTS, &C. FOR RENEWAL OF PRIVATE SECTOR HOUSING

#### CHAPTER I

#### THE MAIN GRANTS

#### *Introductory*

### **1 Grants for improvements and repairs, &c**

- (1) Grants are available from local housing authorities in accordance with this Chapter towards the cost of works required for—
  - (a) the improvement or repair of dwellings, houses in multiple occupation or the common parts of buildings containing one or more flats,
  - (b) the provision of dwellings or houses in multiple occupation by the conversion of a house or other building, and
  - (c) the provision of facilities for disabled persons in dwellings and in the common parts of buildings containing one or more flats.
- (2) A grant relating to—
  - (a) the improvement or repair of a dwelling, or
  - (b) the provision of dwellings by the conversion of a house or other building,is referred to as a “renovation grant”.
- (3) A grant relating to the improvement or repair of the common parts of a building is referred to as a “common parts grant”.

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- (4) A grant for the provision of facilities for a disabled person—
  - (a) in a dwelling, or
  - (b) in the common parts of a building containing one or more flats,
 is referred to as a “disabled facilities grant”.
- (5) A grant for—
  - (a) the improvement or repair of a house in multiple occupation, or
  - (b) the provision of a house in multiple occupation by the conversion of a house or other building,
 is referred to as an “HMO grant”.
- (6) In the following provisions of this Chapter the expression “grant”, without more, means any of these types of grant.

## **2 Applications for grants**

- (1) No grant shall be paid unless an application for it is made to the local housing authority in accordance with the provisions of this Chapter and is approved by them.
- (2) An application for a grant shall be in writing and shall specify the premises to which it relates and contain—
  - (a) particulars of the works in respect of which the grant is sought (in this Chapter referred to as the “relevant works”);
  - (b) unless the local housing authority otherwise direct in any particular case, at least two estimates from different contractors of the cost of carrying out the relevant works;
  - (c) particulars of any preliminary or ancillary services and charges in respect of the cost of which the grant is also sought; and
  - (d) such other particulars as may be prescribed.
- (3) In this Chapter “preliminary or ancillary services and charges”, in relation to an application for a grant, means services and charges which—
  - (a) relate to the application and the preparation for and the carrying out of works, and
  - (b) are specified for the purposes of this subsection by order of the Secretary of State.
- (4) The Secretary of State may by regulations prescribe a form of application for a grant and an application for a grant to which any such regulations apply is not validly made unless it is in the prescribed form.

### *Preliminary conditions*

## **3 Ineligible applicants**

- (1) No grant is payable under this Chapter unless the applicant is aged 18 or over on the date of the application.

In the case of a joint application, any applicant under the age of 18 years on the date of the application shall be left out of account.

- (2) No grant is payable under this Chapter if the person who would otherwise qualify as the applicant for the grant is—
- (a) a local authority;
  - (b) a new town corporation;
  - (c) an urban development corporation;
  - (d) a housing action trust;
  - (e) the Development Board for Rural Wales;
  - (f) a health authority, special health authority or NHS trust;
  - (g) a police authority established under section 3 of the Police Act 1964;
  - (h) a joint authority established by Part IV of the Local Government Act 1985;
  - (i) a residuary body established by Part VII of that Act; or
  - (j) an authority established under section 10(1) of that Act (waste disposal).
- (3) No grant is payable under this Chapter if the applicant is of a description excluded from entitlement to grant aid by regulations made by the Secretary of State.
- (4) Regulations under subsection (3) 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.

#### **4 The age of the property**

- (1) A local housing authority shall not entertain an application for a grant in respect of premises provided (by construction or conversion) less than ten years before the date of the application, unless—
- (a) the application is for a disabled facilities grant, or
  - (b) the application is for an HMO grant in respect of a house in multiple occupation provided by conversion.
- (2) The Secretary of State may by order amend subsection (1) so as to substitute another period for that specified.

#### **5 Excluded descriptions of works**

- (1) No grant is payable in respect of works of a description excluded from grant aid under this Chapter by regulations made by the Secretary of State.
- (2) Regulations may be made with respect to local housing authorities generally or to a particular local housing authority and may be made with respect to particular areas.
- (3) Regulations may specify descriptions of works for which grant aid is not to be available without the Secretary of State's consent, which may be given—
- (a) to local housing authorities generally or to a particular local housing authority,
  - (b) with respect to particular areas, or
  - (c) with respect to applications generally or to a particular description of application.

#### **6 Defective dwellings**

- (1) No grant is payable if—

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- (a) the dwelling, house or building is or forms part of a building of a class designated under section 528 or 559 of the Housing Act 1985 (defective dwellings),
  - (b) the applicant is eligible for assistance under Part XVI of that Act in respect of a defective dwelling which is or forms part of the dwelling, house or building concerned, and
  - (c) the relevant works are, within the meaning of that Part, works required to reinstate that defective dwelling.
- (2) If the local housing authority consider that the relevant works include works for which assistance is available under Part XVI of the Housing Act 1985 (assistance for owners of defective housing), they shall treat the application as if the relevant works did not include those works.

### *Renovation grants*

## 7 **Renovation grants: owner’s applications and tenant’s applications**

- (1) A local housing authority shall not entertain an application for a renovation grant unless they are satisfied—
- (a) that the applicant has, or proposes to acquire, an owner’s interest in every parcel of land on which the relevant works are to be carried out, or
  - (b) in the case of an application other than a conversion application, that the applicant is a qualifying tenant of the dwelling (alone or jointly with others) but does not have, or propose to acquire, an owner’s interest in the dwelling.
- (2) References in this Chapter to an “owner’s application” or a “tenant’s application”, in relation to a renovation grant, shall be construed accordingly.
- (3) In accordance with directions given by the Secretary of State, a local housing authority may treat the condition in subsection (1)(a) as met by a person who has, or proposes to acquire, an owner’s interest in only part of the land concerned.
- (4) References in this Chapter to “a qualifying owner’s interest”, in relation to an application for a renovation grant, are to an owner’s interest meeting the condition in subsection (1)(a) or treated by virtue of subsection (3) as meeting that condition.
- (5) In this Chapter a “qualifying tenant”, in relation to an application for a renovation grant, means a person who (alone or jointly with others) is a tenant of the premises to which the application relates—
- (a) who is required by the terms of his tenancy to carry out the relevant works and whose tenancy is not of a description excluded from this subsection by order of the Secretary of State, or
  - (b) whose tenancy is of a description specified for the purposes of this subsection by order of the Secretary of State.
- (6) In subsection (5) “tenant” includes a person having a licence to occupy the premises concerned which satisfies such conditions as may be specified by order of the Secretary of State.

References in this Chapter to tenants and other expressions relating to tenancies, in the context of a tenant’s application for a renovation grant, shall be construed accordingly.

## **8 Renovation grants: certificates required in case of owner’s application**

- (1) A local housing authority shall not entertain an owner’s application for a renovation grant unless it is accompanied by an owner-occupation certificate or a certificate of intended letting in respect of the dwelling to which the application relates or, in the case of a conversion application, in respect of each of the dwellings to be provided.
- (2) An “owner-occupation certificate” certifies that the applicant—
  - (a) has or proposes to acquire a qualifying owner’s interest, and
  - (b) intends that throughout the grant condition period he or a member of his family will live in the dwelling as his (or that member’s) only or main residence.
- (3) A “certificate of intended letting” certifies that the applicant—
  - (a) has or proposes to acquire a qualifying owner’s interest, and
  - (b) intends that throughout the grant condition period the dwelling will be let or available for letting as a residence (and not for a holiday) to a person who is not connected with the owner for the time being of the dwelling.

In paragraph (b) “letting” does not include a letting on a long tenancy.

- (4) In subsection (3) references to letting include the grant of a licence to occupy premises.

References in this Chapter to tenants and other expressions relating to tenancies, in the context of a certificate of intended letting, shall be construed accordingly.
- (5) Where section 10 applies (prior qualifying period in certain cases) a local housing authority shall not entertain an owner’s application for a renovation grant unless it is also accompanied by a certificate specifying how the requirements of that section are met.

## **9 Renovation grants: certificates required in case of tenant’s application**

- (1) A local housing authority shall not entertain a tenant’s application for a renovation grant unless it is accompanied by a tenant’s certificate.
- (2) A “tenant’s certificate” certifies—
  - (a) that the applicant is a qualifying tenant of the dwelling, and
  - (b) that he or a member of his family intends to live in the dwelling as his (or that member’s) only or main residence.
- (3) Except where the authority consider it unreasonable in the circumstances to require such a certificate, they shall not entertain a tenant’s application for a renovation grant unless it is also accompanied by a certificate of intended letting (see section 8(3)) by the person who at the time of the application is the landlord under the tenancy.
- (4) Where section 10 applies (prior qualifying period in certain cases) a local housing authority shall not entertain a tenant’s application for a renovation grant unless it is also accompanied by a certificate specifying how the requirements of that section are met.

## **10 Renovation grants: prior qualifying period**

- (1) Subject to subsection (3), a local housing authority shall not entertain an application to which this section applies unless they are satisfied—
  - (a) that the ownership or tenancy condition (see section 11) was met throughout the qualifying period, and

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- (b) in the case of an application accompanied by an owner-occupation certificate or a tenant's certificate, that the applicant lived in the dwelling as his only or main residence throughout that period.

In the case of a joint application it is sufficient if those conditions are met by any of the applicants.

- (2) The qualifying period for the purposes of this section is the period of three years, or such other period as may be specified by order of the Secretary of State, ending with the date of the application.
- (3) A local housing authority may dispense with compliance with either or both of the conditions in subsection (1), and may do so either generally or in relation to particular cases or descriptions of case.
- (4) Subject to subsection (5), this section applies to every application for a renovation grant, other than—
  - (a) a conversion application,
  - (b) an application in respect of a dwelling in a renewal area,
  - (c) an application in respect of works to provide means of escape in case of fire or other fire precautions, or
  - (d) an application of any other description excepted from this section by order of the Secretary of State.
- (5) This section does not apply to a landlord's application unless the Secretary of State by order so provides, which he may do with respect to all landlord's applications or any description of landlord's application.

Any such order may provide that this section applies to a landlord's application notwithstanding that it is of a kind mentioned in paragraphs (a) to (d) of subsection (4).

- (6) A "landlord's application" for a renovation grant means an owner's application which is accompanied by a certificate of intended letting.

A conversion application for the provision of two or more dwellings shall not be treated as a landlord's application if any of the certificates accompanying the application is an owner-occupation certificate.

## **11 Prior qualifying period: the ownership or tenancy condition**

- (1) The "ownership or tenancy condition" for the purposes of section 10 is that the applicant had a qualifying owner's interest in, or was a qualifying tenant of, the dwelling.

That condition shall be treated as having been met in the following circumstances.

- (2) Where the applicant took his owner's interest or became a qualifying tenant under the will or on the intestacy of a member of his family, the ownership or tenancy condition shall be treated as having been met—
  - (a) during any period when the deceased both held a qualifying owner's interest in or was a qualifying tenant of the dwelling and lived in the dwelling as his only or main residence, and
  - (b) if immediately before his death the deceased both—
    - (i) held such an interest or was such a tenant, and

- (ii) lived in the dwelling as his only or main residence, during any period not exceeding one year when his personal representatives, or the Public Trustee under section 9 of the Administration of Estates Act 1925, held such an interest or was such a tenant.
- (3) The local housing authority may treat a person as continuing to meet the residence requirement in subsection (2)(a) or (b)(ii) for up to a year after he has, by reason of age or infirmity—
- (a) gone to live with and be cared for by a member of his family, or
  - (b) gone to live in a hospital, hospice, sheltered housing, residential care home or similar institution.
- (4) Where the applicant took his owner's interest or became a qualifying tenant by virtue of a disposal made by a member of his family, and the authority are satisfied—
- (a) that the person making the disposal was elderly or infirm, and
  - (b) that he made the disposal with the intention of—
    - (i) going to live with and be cared for by a member of his family, or
    - (ii) going to live in a hospital, hospice, sheltered housing, residential care home or similar institution as his only or main residence,
 the ownership or tenancy condition shall be treated as having been met during any period ending on the date of the disposal when the person making the disposal held a qualifying owner's interest in or was a qualifying tenant of the dwelling.
- (5) Where the applicant took his owner's interest or became a qualifying tenant by virtue of a disposal made by his spouse, and the authority are satisfied that the disposal was made as a result of arrangements in relation to divorce, judicial separation or declaration of nullity of marriage, the ownership or tenancy condition shall be treated as having been met during any period ending on the date of the disposal when the spouse held a qualifying owner's interest in or was a qualifying tenant of the dwelling.
- (6) The references in subsection (5) to the spouse of the applicant—
- (a) in the case of divorce, include his former spouse, and
  - (b) in the case of a declaration of nullity, shall be construed as references to the other party to the marriage.

## **12 Renovation grants: purposes for which grant may be given**

- (1) The purposes for which an application for a renovation grant, other than a conversion application, may be approved are the following—
- (a) to comply with a notice under section 189 of the Housing Act 1985 (repair notice in respect of unfit premises) or otherwise to render the dwelling fit for human habitation;
  - (b) to comply with a notice under section 190 of that Act (repair notice in respect of premises not unfit but in need of substantial repair) or otherwise to put the dwelling in reasonable repair;
  - (c) to provide adequate thermal insulation;
  - (d) to provide adequate facilities for space heating;
  - (e) to provide satisfactory internal arrangements;
  - (f) to provide means of escape in case of fire or other fire precautions, not being precautions required under or by virtue of any enactment (whenever passed);

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- (g) to ensure that the dwelling complies with such requirements with respect to construction or physical condition as may be specified by the Secretary of State;
  - (h) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the dwelling as are so specified;
  - (i) any other purpose for the time being specified for the purposes of this section by order of the Secretary of State.
- (2) The purpose for which a conversion application may be approved is to provide one or more dwellings by the conversion of a house or other building.
- (3) If in the opinion of the authority the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in subsection (1) or (2), they may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to the authority to be necessary for that purpose.
- (4) The reference in paragraph (f) of subsection (1) to precautions required under or by virtue of an enactment does not include precautions required to comply with a notice under section 352 of the Housing Act 1985 (notice requiring execution of works to render house in multiple occupation fit for number of occupants) so far as it relates to premises which are not part of a house in multiple occupation for the purposes of this Part.
- (5) In exercise of the powers conferred by paragraphs (g) and (h) of subsection (1) the Secretary of State may specify requirements generally or for particular cases, and may specify different requirements for different areas.

### **13 Renovation grants: approval of application**

- (1) The local housing authority may approve an application for a renovation grant if they think fit, subject to the following provisions.
- (2) The authority shall not approve an application for a renovation grant unless they are satisfied that the works are necessary for one or more of the purposes set out in section 12(1) or (2).
- (3) Where an authority entertain an owner's application for a renovation grant made by a person who proposes to acquire a qualifying owner's interest, they shall not approve the application until they are satisfied that he has done so.
- (4) An authority proposing to approve an application for a renovation grant shall consider whether the premises to which it relates are fit for human habitation.
- (5) If it appears to the authority that the premises are not fit for human habitation, they shall not approve the application unless they are satisfied—
- (a) that on completion of the relevant works, together with any other works proposed to be carried out, the premises will be fit for human habitation,
  - (b) that there are satisfactory financial and other arrangements for carrying out those works, and
  - (c) that the carrying out of the works is the most satisfactory course of action.



- (6) In considering whether to approve an application for a renovation grant the authority shall have regard to the expected life of the building (taking account, where appropriate, of the effect of carrying out the works).

### *Common parts grants*

## **14 Common parts grants: occupation of flats by occupying tenants**

- (1) A local housing authority shall not entertain an application for a common parts grant unless they are satisfied that at the date of the application at least the required proportion of the flats in the building concerned is occupied by occupying tenants.
- (2) In this Chapter an “occupying tenant”, in relation to a flat in a building, means a person who has in relation to the flat (alone or jointly with others)—
- (a) a tenancy to which section 1 of the Landlord and Tenant Act 1954 or Schedule 10 to the Local Government and Housing Act 1989 applies (long tenancies at low rents),
  - (b) an assured tenancy, a protected tenancy, a secure tenancy or a statutory tenancy,
  - (c) a protected occupancy under the Rent (Agriculture) Act 1976 or an assured agricultural occupancy within the meaning of Part I of the Housing Act 1988, or
  - (d) a tenancy or licence which satisfies such conditions as may be specified by order of the Secretary of State,
- and who occupies the flat as his only or main residence.

References in this Chapter to other expressions relating to tenancies, in the context of an application for a common parts grant, shall be construed accordingly.

- (3) The “required proportion” mentioned in subsection (1) is three-quarters or such other proportion as may be—
- (a) specified for the purposes of this section by an order of the Secretary of State, or
  - (b) approved by him, in relation to a particular case or description of case, on application made by the local housing authority concerned.

## **15 Common parts grants: landlord’s and tenants’ applications**

- (1) A local housing authority shall not entertain an application for a common parts grant unless they are satisfied—
- (a) that the applicant has an owner’s interest in the building and has a duty or power to carry out the relevant works, or
  - (b) that the application is made by at least three-quarters of the occupying tenants of the building who under their tenancies have a duty to carry out, or to make a contribution in respect of the carrying out of, some or all of the relevant works.
- (2) References in this Chapter to a “landlord’s application” and a “tenants’ application”, in relation to a common parts grant, shall be construed accordingly.
- (3) In deciding whether the requirement in subsection (1)(b) is met—

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- (a) where a tenancy is held by two or more persons jointly, those persons shall be regarded as a single occupying tenant; and
  - (b) a tenant whose tenancy is of a description specified for the purposes of that paragraph by order of the Secretary of State shall be treated as an occupying tenant falling within that paragraph.
- (4) A person who has an owner's interest in the building and who has a duty or power to carry out any of the relevant works may also join in a tenants' application for a common parts grant; and where such a person does join in an application, he is in this Chapter referred to as a "participating landlord".

## **16 Common parts grants: certificate required to accompany application**

- (1) A local housing authority shall not entertain a landlord's application for a common parts grant unless it is accompanied by a certificate signed by the applicant which—
- (a) specifies the interest of the applicant in the building, and
  - (b) certifies that the required proportion of the flats in the building is occupied by occupying tenants.
- (2) A local housing authority shall not entertain a tenants' application for a common parts grant unless it is accompanied by a certificate signed by each of the applicants which—
- (a) specifies the interest of each of the applicants in each flat in the building, and
  - (b) certifies that the required proportion of the flats in the building is occupied by occupying tenants.

## **17 Common parts grants: purposes for which grant may be given**

- (1) The purposes for which an application for a common parts grant may be approved are—
- (a) to comply with a notice under section 189 of the Housing Act 1985 (repair notice in respect of unfit premises) or otherwise to cause the building to meet the requirements in section 604(2) of that Act;
  - (b) to comply with a notice under section 190 of that Act (repair notice in respect of premises not unfit but in need of substantial repair) or otherwise to put the building in reasonable repair;
  - (c) to comply with a notice under section 352 of that Act (notice requiring works to render premises fit for the number of occupants) or otherwise to enable the house to meet one or more of the requirements in subsection (1A) of that section;
  - (d) to provide adequate thermal insulation;
  - (e) to provide adequate facilities for space heating;
  - (f) to provide satisfactory internal arrangements;
  - (g) to provide means of escape in case of fire or other fire precautions, not being precautions required under or by virtue of any enactment (whenever passed);
  - (h) to ensure that the building complies with such requirements with respect to construction or physical condition as may be specified by the Secretary of State;
  - (i) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the building as are so specified;

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- (j) any other purpose for the time being specified for the purposes of this section by order of the Secretary of State.
- (2) If in the opinion of the local housing authority the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in subsection (1), they may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to the authority to be necessary for that purpose.
- (3) In exercise of the powers conferred by paragraphs (h) and (i) of subsection (1) the Secretary of State may specify requirements generally or for particular cases, and may specify different requirements for different areas.

## **18 Common parts grants: approval of application**

- (1) The local housing authority may approve an application for a common parts grant if they think fit, subject to the following provisions.
- (2) The authority shall not approve an application for a common parts grant unless they are satisfied that the works are necessary for one or more of the purposes set out in section 17(1).
- (3) An authority proposing to approve an application for a common parts grant shall consider whether the building to which the application relates meets the requirements mentioned in paragraphs (a) to (e) of section 604(2) of the Housing Act 1985.
- (4) If it appears to the authority that the building does not meet those requirements, they shall not approve the application unless they are satisfied—
  - (a) that on completion of the relevant works, together with any other works proposed to be carried out, the building will meet those requirements,
  - (b) that there are satisfactory financial and other arrangements for carrying out those works, and
  - (c) that the carrying out of the works is the most satisfactory course of action.
- (5) In considering whether to approve an application for a common parts grant the local housing authority shall have regard to the expected life of the building (taking account, where appropriate, of the effect of carrying out the works).

### *Disabled facilities grants*

## **19 Disabled facilities grants: owner's and tenant's applications**

- (1) A local housing authority shall not entertain an application for a disabled facilities grant unless they are satisfied—
  - (a) that the applicant has, or proposes to acquire, an owner's interest in every parcel of land on which the relevant works are to be carried out, or
  - (b) that the applicant is a tenant (alone or jointly with others)—
    - (i) in the case of an application in respect of works to a dwelling, of the dwelling, or
    - (ii) in the case of a common parts application, of a flat in the building,and, in either case, does not have or propose to acquire such an owner's interest as is mentioned in paragraph (a).

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- (2) References in this Chapter to an “owner’s application” or a “tenant’s application”, in relation to a disabled facilities grant, shall be construed accordingly.
- (3) In accordance with directions given by the Secretary of State, a local housing authority may treat the condition in subsection (1)(a) as met by a person who has, or proposes to acquire, an owner’s interest in only part of the land concerned.
- (4) In this Chapter, in relation to an application for a disabled facilities grant—  
“qualifying owner’s interest” means an owner’s interest meeting the condition in subsection (1)(a) or treated by virtue of subsection (3) as meeting that condition; and  
“qualifying tenant” means a tenant who meets the conditions in subsection (1)(b).
- (5) In this Chapter “tenant”, in relation to a disabled facilities grant, includes—  
(a) a secure tenant, introductory tenant or statutory tenant,  
(b) a protected occupier under the Rent (Agriculture) Act 1976 or a person in occupation under an assured agricultural occupancy within the meaning of Part I of the Housing Act 1988,  
(c) an employee (whether full-time or part-time) who occupies the dwelling or flat concerned for the better performance of his duties, and  
(d) a person having a licence to occupy the dwelling or flat concerned which satisfies such conditions as may be specified by order of the Secretary of State;  
and other expressions relating to tenancies, in the context of an application for disabled facilities grant, shall be construed accordingly.

## **20 Disabled facilities grants: the disabled occupant**

In this Chapter the “disabled occupant”, in relation to an application for disabled facilities grant, means the disabled person for whose benefit it is proposed to carry out any of the relevant works.

## **21 Disabled facilities grants: certificate required in case of owner’s application**

- (1) A local housing authority shall not entertain an owner’s application for a disabled facilities grant unless it is accompanied by an owner’s certificate in respect of the dwelling to which the application relates or, in the case of a common parts application, in respect of each flat in the building occupied or proposed to be occupied by a disabled occupant.
- (2) An “owner’s certificate”, for the purposes of an application for a disabled facilities grant, certifies that the applicant—  
(a) has or proposes to acquire a qualifying owner’s interest, and  
(b) intends that the disabled occupant will live in the dwelling or flat as his only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.

## **22 Disabled facilities grants: certificates required in case of tenant’s application**

- (1) A local housing authority shall not entertain a tenant’s application for a disabled facilities grant unless it is accompanied by a tenant’s certificate.

- (2) A “tenant’s certificate”, for the purposes of an application for a disabled facilities grant, certifies—
- (a) that the application is a tenant’s application, and
  - (b) that the applicant intends that he (if he is the disabled occupant) or the disabled occupant will live in the dwelling or flat as his only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.
- (3) Except where the authority consider it unreasonable in the circumstances to require such a certificate, they shall not entertain a tenant’s application for a disabled facilities grant unless it is also accompanied by an owner’s certificate from the person who at the time of the application is the landlord under the tenancy.

### **23 Disabled facilities grants: purposes for which grant must or may be given**

- (1) The purposes for which an application for a disabled facilities grant must be approved, subject to the provisions of this Chapter, are the following—
- (a) facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated;
  - (b) making the dwelling or building safe for the disabled occupant and other persons residing with him;
  - (c) facilitating access by the disabled occupant to a room used or usable as the principal family room;
  - (d) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;
  - (e) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility;
  - (f) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility;
  - (g) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a washhand basin, or facilitating the use by the disabled occupant of such a facility;
  - (h) facilitating the preparation and cooking of food by the disabled occupant;
  - (i) improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating system in the dwelling or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs;
  - (j) facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control;
  - (k) facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident in the dwelling and is in need of such care;
  - (l) such other purposes as may be specified by order of the Secretary of State.
- (2) An application for a disabled facilities grant may be approved, subject to the provisions of this Chapter, for the purpose of making the dwelling or building suitable for the accommodation, welfare or employment of the disabled occupant in any other respect.

- (3) If in the opinion of the local housing authority the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in subsection (1) or the purpose mentioned in subsection (2), they may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to the authority to be necessary for that purpose.

## **24 Disabled facilities grants: approval of application**

- (1) The local housing authority—
- (a) shall approve an application for a disabled facilities grant for purposes within section 23(1), and
  - (b) may if they think fit approve an application for a disabled facilities grant not for a purpose within that provision but for the purpose specified in section 23(2),
- subject to the following provisions.
- (2) Where an authority entertain an owner's application for a disabled facilities grant made by a person who proposes to acquire a qualifying owner's interest, they shall not approve the application until they are satisfied that he has done so.
- (3) A local housing authority shall not approve an application for a disabled facilities grant unless they are satisfied—
- (a) that the relevant works are necessary and appropriate to meet the needs of the disabled occupant, and
  - (b) that it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling or building.

In considering the matters mentioned in paragraph (a) a local housing authority which is not itself a social services authority shall consult the social services authority.

- (4) An authority proposing to approve an application for a disabled facilities grant shall consider—
- (a) in the case of an application in respect of works to a dwelling, whether the dwelling is fit for human habitation;
  - (b) in the case of a common parts application, whether the building meets the requirements in section 604(2) of the Housing Act 1985.

and the authority shall take that into account in deciding whether it is reasonable and practicable to carry out the relevant works.

- (5) A local housing authority shall not approve a common parts application for a disabled facilities grant unless they are satisfied that the applicant has a power or is under a duty to carry out the relevant works.

### *HMO grants*

## **25 HMO grants: the interest of the applicant in the property**

- (1) A local housing authority shall not entertain an application for an HMO grant unless they are satisfied that the applicant has or proposes to acquire an owner's interest in every parcel of land on which the relevant works are to be carried out.

- (2) In accordance with directions given by the Secretary of State, a local housing authority may treat the condition in subsection (1) as fulfilled by a person who has, or proposes to acquire, an owner's interest in only part of the land concerned.
- (3) References in this Chapter to "a qualifying owner's interest", in relation to an application for an HMO grant, are to an owner's interest meeting the condition in subsection (1) or treated by virtue of subsection (2) as meeting that condition.

## **26 HMO grants: certificate required to accompany application**

- (1) A local housing authority shall not entertain an application for an HMO grant unless it is accompanied by a certificate of future occupation.
- (2) A "certificate of future occupation" certifies that the applicant—
  - (a) has or proposes to acquire a qualifying owner's interest in the house, and
  - (b) intends that throughout the grant condition period the house or a part of it (specified in the certificate) will be residentially occupied, or available for residential occupation, under tenancies or licences by persons who are not connected with the owner for the time being of the house.

In paragraph (b) "residential occupation" does not include occupation for a holiday, and "tenancies" does not include a long tenancy.

## **27 HMO grants: purposes for which grant may be given**

- (1) The purposes for which an application for an HMO grant (other than a conversion application) may be approved are—
  - (a) to comply with a notice under section 189 of the Housing Act 1985 (repair notice in respect of unfit premises) or otherwise to render the house fit for human habitation;
  - (b) to comply with a notice under section 190 of that Act (repair notice in respect of premises not unfit but in need of substantial repair) or otherwise to put the building in reasonable repair;
  - (c) to comply with a notice under section 352 of that Act (notice requiring works to render premises fit for the number of occupants) or otherwise to enable the house to meet one or more of the requirements in subsection (1A) of that section;
  - (d) to provide adequate thermal insulation;
  - (e) to provide adequate facilities for space heating;
  - (f) to provide satisfactory internal arrangements;
  - (g) to provide means of escape in case of fire or other fire precautions, not being precautions required under or by virtue of any enactment (whenever passed);
  - (h) to ensure that the house complies with such requirements with respect to construction or physical condition as may be specified by the Secretary of State;
  - (i) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the house as are so specified;
  - (j) any other purpose for the time being specified for the purposes of this section by order of the Secretary of State.

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- (2) The purpose for which a conversion application may be approved is to provide a house in multiple occupation by the conversion of a house or other building.
- (3) If in the opinion of the authority the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in subsection (1) or (2), they may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to the authority to be necessary for that purpose.
- (4) In exercise of the powers conferred by paragraphs (h) and (i) of subsection (1) the Secretary of State may specify requirements generally or for particular cases, and may specify different requirements for different areas.

## **28 HMO grants: approval of application**

- (1) The local housing authority may approve an application for an HMO grant if they think fit, subject to the following provisions.
- (2) The authority shall not approve an application for an HMO grant unless they are satisfied that the works are necessary for one or more of the purposes set out in section 27(1) or (2).
- (3) Where an authority entertain an application for an HMO grant made by a person who proposes to acquire a qualifying owner's interest, they shall not approve the application until they are satisfied that he has done so.
- (4) An authority proposing to approve an application for an HMO grant shall consider whether the house to which the application relates is fit for human habitation and meets the requirements in section 352(1A) of the Housing Act 1985.
- (5) If it appears to the authority that the house is not fit for human habitation or does not meet those requirements, they shall not approve the application unless they are satisfied—
  - (a) that on completion of the relevant works, together with any other works proposed to be carried out, the house will be fit for human habitation and meet those requirements,
  - (b) that there are satisfactory financial and other arrangements for carrying out those works, and
  - (c) that the carrying out of the works is the most satisfactory course of action.
- (6) In considering whether to approve an application for an HMO grant the local housing authority shall have regard to the expected life of the house (taking account, where appropriate, of the effect of carrying out the works).

### *Restrictions on grant aid*

## **29 Restriction on grants for works already begun**

- (1) Subject as follows, a local housing authority shall not approve an application for a grant if the relevant works have been begun before the application is approved.



- (2) Where the relevant works have been begun but have not been completed, the authority may approve the application for a grant if they are satisfied that there were good reasons for beginning the works before the application was approved.
- (3) Where an authority decide to approve an application in accordance with subsection (2), they may, with the consent of the applicant, treat the application as varied so that the relevant works do not include any that are completed.

But in determining for the purposes of the application the physical condition of the dwelling, common parts or house or other building concerned, they shall consider the condition of the premises at the date of the application.

- (4) Subject as follows, a local housing authority shall not approve an application for a grant if the relevant works have been completed.
- (5) Nothing in this section applies to an application for a grant in respect of works necessary—
  - (a) to render a dwelling fit for human habitation or to comply with a notice under section 189 or 190 of the Housing Act 1985 (repair notices), or
  - (b) to enable a house in multiple occupation to meet one or more of the requirements in section 352(1A) of that Act (fitness for the number of occupants) or to comply with a notice under that section.
- (6) If the local housing authority consider that the relevant works include works in addition to those necessary for the purposes mentioned in subsection (5)(a) or (b), they shall treat the application as an application to which this section applies so far as it relates to those additional works.

### **30 Means testing in case of application by owner-occupier or tenant**

- (1) This section applies—
  - (a) to an application for a renovation grant which is—
    - (i) an owner's application accompanied by an owner-occupation certificate, or
    - (ii) a tenant's application; and
  - (b) to any application for a disabled facilities grant.
- (2) An owner's application for a renovation grant shall be treated as falling within this section if it is a conversion application for the provision of two or more dwellings and any of the certificates accompanying the application is an owner-occupation certificate.
- (3) If in the case of an application for a renovation grant to which this section applies the financial resources of the applicant exceed the applicable amount, the amount of any grant which may be paid shall, in accordance with regulations, be reduced from what it would otherwise have been.
- (4) If in the case of an application for a disabled facilities grant the financial resources of any person of a description specified by regulations exceed the applicable amount, the amount of any grant which may be paid shall, in accordance with regulations, be reduced from what it would otherwise have been.
- (5) Provision may be made by regulations—

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- (a) for the determination of the amount which is to be taken to be the financial resources of any person,
  - (b) for the determination of the applicable amount referred to in subsection (3) or (4), and
  - (c) as to circumstances in which the financial resources of a person are to be assumed (by reason of his receiving a prescribed benefit or otherwise) not to exceed the applicable amount.
- (6) Regulations may, in particular—
- (a) make provision for account to be taken of the income, assets, needs and outgoings not only of the person himself but also of his spouse, any person living with him or intending to live with him and any person on whom he is dependent or who is dependent on him;
  - (b) make provision for amounts specified in or determined under the regulations to be taken into account for particular purposes.
- (7) Regulations may apply for the purposes of this section, subject to such modifications as may be prescribed, any other statutory means-testing regime as it has effect from time to time.
- (8) Regulations may make provision requiring any information or evidence needed for the determination of any matter under this section to be furnished by such person as may be prescribed.
- (9) In this section “regulations” means regulations made by the Secretary of State with the consent of the Treasury.

### **31 Determination of amount of grant in case of landlord’s application**

- (1) This section applies to—
- (a) an owner’s application for a renovation grant which is accompanied by a certificate of intended letting (not being an application which falls within section 30: see subsection (2) of that section),
  - (b) a landlord’s application for a common parts grant,
  - (c) a landlord’s application for a disabled facilities grant, and
  - (d) any application for an HMO grant.
- (2) The reference in subsection (1)(c) to a landlord’s application for a disabled facilities grant is to an owner’s application in respect of works to a dwelling which is or is intended to be let, or to the common parts of a building in which a flat is or is intended to be let.
- (3) The amount of the grant (if any) shall be determined by the local housing authority, having regard to—
- (a) the extent to which the landlord is able to charge a higher rent for the premises because of the works, and
  - (b) such other matters as the Secretary of State may direct.
- (4) The authority may, if they think it appropriate, seek and act upon the advice of rent officers as to any matter.

- (5) The Secretary of State may by regulations make provision requiring any information or evidence needed for the determination of any matter under this section to be furnished by such person as may be prescribed.

### **32 Apportionment in case of tenants' application for common parts grant**

- (1) This section applies where a local housing authority approve a tenants' application for a common parts grant.
- (2) The local housing authority shall decide how much of the cost of the relevant works is attributable to the applicants (“the attributable cost”).
- (3) For the purposes of this section the attributable cost is an amount equal to the following proportion of the cost of the relevant works—
- (a) if it can be ascertained, the proportion that the aggregate of the respective liabilities of each of the applicants to carry out or contribute to the carrying out of the relevant works bears to the aggregate of all such liabilities on the part of all persons (including the applicants) so liable; or
  - (b) if the proportion mentioned in paragraph (a) cannot be ascertained, the proportion that the number of applicants bears to the number of persons (including the applicants) liable to carry out or contribute to the carrying out of works to the building.
- (4) The local housing authority shall then apportion the attributable cost to each of the applicants—
- (a) in a case where the attributable cost is calculated by reference to the proportion mentioned in subsection (3)(a), according to the proportion that his liabilities to carry out or contribute to the carrying out of the relevant works bears to the aggregate of the applicants' liabilities mentioned in that paragraph; or
  - (b) in a case where the attributable cost is calculated by reference to the proportion mentioned in subsection (3)(b), equally.
- (5) The amount of the grant payable shall be the aggregate of the grants that would be payable to each of the applicants under section 30 or, in the case of a participating landlord, under section 31 if each of the applicants was an individual applicant in respect of his portion of the attributable cost.
- (6) Where the interest of an occupying tenant is held jointly by two or more persons, those persons shall be regarded as a single person for the purposes of this section.

### **33 Power to specify maximum amount of grant**

- (1) The Secretary of State may, if he thinks fit, by order specify a maximum amount or a formula for calculating a maximum amount of grant which a local housing authority may pay in respect of an application for a grant.
- (2) An order under this section may make different provision for different types of grant, or for the same type of grant in different circumstances.
- (3) In relation to an application for a grant in respect of works for any of the purposes in section 23(1) (mandatory disabled facilities grant), the order may—
- (a) provide for a maximum amount of grant to be paid if the application is approved, and

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- (b) authorise the local housing authority, if they think fit, to pay a further amount in excess of that maximum but subject to such other maximum (if any) as may be specified in or determined in accordance with the order.
- (4) An authority may not, except as mentioned in subsection (3), pay an amount of grant in excess of a specified maximum amount.

### *Decision and notification*

## **34 Decision and notification**

- (1) A local housing authority shall by notice in writing notify an applicant for a grant as soon as reasonably practicable, and, in any event, not later than six months after the date of the application concerned, whether the application is approved or refused.
- (2) Where an authority decide to approve an application for a grant, they shall determine—
- (a) which of the relevant works are eligible for grant (in this Chapter referred to as “the eligible works”),
  - (b) the amount of the expenses which in their opinion are properly to be incurred in the execution of the eligible works,
  - (c) the amount of the costs which in their opinion have been properly incurred, or are properly to be incurred, with respect to preliminary or ancillary services and charges, and
  - (d) the amount of grant they have decided to pay, taking into account all the relevant provisions of this Chapter.

The total of the amounts referred to in paragraphs (b) and (c) is referred to in this Chapter as “the estimated expense”.

- (3) If the authority notify the applicant under subsection (1) that the application is approved, they shall specify in the notice—
- (a) the eligible works,
  - (b) the amounts referred to in subsection (2)(b) and (c), and how those amounts have been calculated, and
  - (c) the amount of the grant.
- (4) If the authority notify the applicant under subsection (1) that the application is refused, they shall at the same time notify him of the reasons for the refusal.
- (5) If after an application for a grant has been approved the authority are satisfied that owing to circumstances beyond the control of the applicant—
- (a) the eligible works cannot be, or could not have been, carried out on the basis of the amount of expenses referred to in subsection (2)(b),
  - (b) the amount of the costs which have been or are to be incurred as mentioned in subsection (2)(c) has increased, or
  - (c) the eligible works cannot be, or could not have been, carried out without carrying out additional works which could not have been reasonably foreseen at the time the application was made,

the authority may re-determine the estimated expense and the amount of the grant.

- (6) Where an application for a grant is approved, the local housing authority may not impose any condition in relation to the approval or payment of the grant, except—

- (a) as provided by the following provisions of this Chapter, or
  - (b) with the consent of the Secretary of State;
- and this applies whether the condition purports to operate as a condition, a personal covenant or otherwise.

### *Payment of grants*

#### **35 Payment of grants: general**

- (1) Where the local housing authority have approved an application for a grant, they shall pay the grant, subject to the following provisions of this Chapter.
- (2) The grant may be paid—
  - (a) in whole after the completion of the eligible works, or
  - (b) in part by instalments as the works progress and the balance after completion of the works.
- (3) Where a grant is paid by instalments, the aggregate of the instalments paid before the completion of the eligible works shall not at any time exceed nine-tenths of the amount of the grant.

#### **36 Delayed payment of mandatory grant**

- (1) Where the local housing authority are obliged to approve an application for a grant under section 24(1)(a) (mandatory disabled facilities grant), they may do so on terms that payment of the grant, or part of it, will not be made before a date specified in the notification of their decision on the application.
- (2) That date shall not be more than twelve months, or such other period as may be specified by order of the Secretary of State, after the date of the application.

#### **37 Payment of grants: conditions as to carrying out of the works**

- (1) It is a condition of payment of every grant that the eligible works are carried out within twelve months from—
  - (a) the date of approval of the application concerned, or
  - (b) where section 36 applies (delayed payment of mandatory grant), the date specified in the notification of the authority's decision,or, in either case, such further period as the local housing authority may allow.
- (2) The authority may, in particular, allow further time where they are satisfied that the eligible works cannot be, or could not have been, carried out without carrying out other works which could not have been reasonably foreseen at the time the application was made.
- (3) In approving an application for a grant a local housing authority may require as a condition of payment of the grant that the eligible works are carried out in accordance with such specifications as they determine.
- (4) The payment of a grant, or part of a grant, is conditional upon—
  - (a) the eligible works or the corresponding part of the works being executed to the satisfaction of the authority, and

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- (b) the authority being provided with an acceptable invoice, demand or receipt for payment for the works and any preliminary or ancillary services or charges in respect of which the grant or part of the grant is to be paid.

For this purpose an invoice, demand or receipt is acceptable if it satisfies the authority and is not given by the applicant or a member of his family.

### **38 Payment of grants: conditions as to contractors employed**

- (1) It is a condition of payment of every grant, unless the local housing authority direct otherwise in any particular case, that the eligible works are carried out by the contractor whose estimate accompanied the application or, where two or more estimates were submitted, by one of those contractors.
- (2) The Secretary of State may by regulations make provision as to the establishing and maintaining by local housing authorities of lists of contractors approved by them for the purpose of carrying out grant-aided works.
- (3) The regulations may provide that it shall be a condition of payment of every grant by a local housing authority by whom such a list is maintained that, except in such cases as may be prescribed and unless the local housing authority direct otherwise in any particular case, the eligible works are carried out by a contractor who is on the authority's list of approved contractors.

### **39 Payment of grant to contractor**

- (1) The local housing authority may pay a grant or part of a grant—
  - (a) by payment direct to the contractor, or
  - (b) by delivering to the applicant an instrument of payment in a form made payable to the contractor.

They shall not do so unless the applicant was informed before the grant application was approved that this would or might be the method of payment.

- (2) Where an amount of grant is payable, but the works in question have not been executed to the satisfaction of the applicant, the local housing authority may at the applicant's request and if they consider it appropriate to do so withhold payment from the contractor.

If they do so, they may make the payment to the applicant instead.

### **40 Applicant ceasing to be entitled before payment of grant**

- (1) This section applies where an application for a grant is approved but before the certified date the applicant ceases to be a person entitled to a grant of that description.

In the case of a joint application this section does not apply unless all the applicants cease to be so entitled.

- (2) Where this section applies—
  - (a) in the case of a renovation grant, disabled facilities grant or HMO grant, no grant shall be paid or, as the case may be, no further instalments shall be paid, and

- (b) in the case of a common parts grant approved on a landlord's application, the local housing authority may refuse to pay the grant or any further instalment, and the authority may demand that any instalment of the grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the authority may determine.
- (3) For the purposes of this section an applicant ceases to be a person entitled to a renovation grant—
- (a) in the case of an owner's application—
    - (i) if he ceases to have a qualifying owner's interest, or
    - (ii) if he ceases to have the intention specified in the owner-occupation certificate or certificate of intended letting which accompanied the application;
  - (b) in the case of a tenant's application—
    - (i) if he ceases to be a qualifying tenant of the dwelling, or
    - (ii) if the application was accompanied by a certificate of intended letting and the landlord ceases to have the intention specified in the certificate; or
  - (c) if the application was approved under section 13(5) (approval of grant in respect of works to unfit premises) and the authority cease to be satisfied of the matters mentioned in that provision.
- (4) For the purposes of this section an applicant ceases to be a person entitled to a disabled facilities grant—
- (a) in the case of an owner's application—
    - (i) if he ceases to have a qualifying owner's interest, or
    - (ii) if he ceases to have the intention specified in the owner's certificate which accompanied the application;
  - (b) in the case of a tenant's application—
    - (i) if he ceases to be a qualifying tenant of the dwelling, or
    - (ii) if the application was accompanied by an owner's certificate and the landlord ceases to have the intention specified in the certificate.
- But if the case falls within section 41 (change of circumstances affecting disabled occupant), the authority shall act under that section.
- (5) For the purposes of this section an applicant ceases to be a person entitled to an HMO grant—
- (a) if he ceases to have a qualifying owner's interest in the house;
  - (b) if he ceases to have the intention specified in the certificate of future occupation which accompanied the application; or
  - (c) if the application was approved under section 28(5) (approval of grant in respect of works to unfit premises) and the authority cease to be satisfied of the matters mentioned in that provision.
- (6) For the purposes of this section an applicant whose application is a landlord's application for a common parts grant ceases to be a person entitled to a grant—
- (a) if he ceases to have an owner's interest in the building;
  - (b) if he ceases to have a duty or power to carry out the relevant works; or

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- (c) if the application was approved under section 18(4) (approval of grant in respect of works to unfit premises) and the authority cease to be satisfied of the matters mentioned in that provision.

(7) This section has effect subject to section 56 (provisions relating to death of applicant).

#### **41 Change of circumstances affecting disabled occupant**

- (1) This section applies where an application for a disabled facilities grant has been approved and before the certified date—
- (a) the works cease to be necessary or appropriate to meet the needs of the disabled occupant, or
  - (b) the disabled occupant ceases to occupy the dwelling or flat concerned or it ceases to be the intention that he should occupy it, or
  - (c) the disabled occupant dies.

Where the application related to more than one disabled occupant, this section applies if any of paragraphs (a) to (c) applies in relation to any of them.

- (2) This section applies whether or not the disabled occupant (or any of them) is the applicant (or one of them).
- (3) Where this section applies the local housing authority may take such action as appears to them appropriate and may decide—
- (a) that no grant shall be paid or, as the case may be, no further instalments shall be paid,
  - (b) that the relevant works or some of them should be completed and the grant or an appropriate proportion of it paid, or
  - (c) that the application should be redetermined in the light of the new circumstances.
- (4) In making their decision the authority shall have regard to all the circumstances of the case.
- (5) If the authority decide that no grant shall be paid or that no further instalments shall be paid, they may demand that any instalment of the grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the authority may determine.

#### **42 Cases in which grants may be re-calculated, withheld or repaid**

- (1) This section applies where an application for a grant has been approved by the local housing authority and—
- (a) the authority ascertain that the amount was determined under section 30 or 31 on the basis of inaccurate or incomplete information and exceeds that to which the applicant was entitled;
  - (b) the authority ascertain that without their knowledge the eligible works were started before the application was approved;
  - (c) the eligible works are not completed to the satisfaction of the authority within the period specified under section 37(1), or such extended period as they may allow under that provision;



- (d) the authority ascertain that the aggregate of the cost of completing the eligible works and the costs incurred with respect to preliminary or ancillary services and charges, is or is likely to be lower than the estimated expense; or
  - (e) the authority ascertain that without their knowledge the eligible works were carried out otherwise than as required by section 38 (conditions as to contractors employed).
- (2) Where this section applies, the authority may—
- (a) refuse to pay the grant or any further instalment of grant which remains to be paid, or
  - (b) make a reduction in the grant which, in a case falling within subsection (1)(d), is to be a reduction proportionate to the reduction in the estimated expense;
- and they may demand repayment by the applicant forthwith, in whole or part, of the grant or any instalment of the grant paid, together with interest at such reasonable rate as the authority may determine from the date of payment until repayment.

#### **43 Repayment where applicant not entitled to grant**

- (1) This section applies where an application for a grant is approved but it subsequently appears to the local housing authority that the applicant (or, in the case of a joint application, any of the applicants) was not, at the time the application was approved, entitled to a grant of that description.
- (2) Where this section applies—
- (a) in the case of a renovation grant, disabled facilities grant or HMO grant, no grant shall be paid or, as the case may be, no further instalments shall be paid, and
  - (b) in the case of a common parts grant approved on a landlord's application, the local housing authority may refuse to pay the grant or any further instalment, and the authority may demand that any grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the authority may determine.
- (3) For the purposes of this section an applicant is not entitled to a renovation grant—
- (a) in the case of an owner's application if—
    - (i) he does not have a qualifying owner's interest, or
    - (ii) he does not have the intention specified in the owner-occupation certificate or certificate of intended letting which accompanied the application; or
  - (b) in the case of a tenant's application if—
    - (i) he is not a qualifying tenant of the dwelling, or
    - (ii) if the application was accompanied by a certificate of intended letting and the landlord does not have the intention specified in the certificate.
- (4) For the purposes of this section an applicant is not entitled to a disabled facilities grant—
- (a) in the case of an owner's application—
    - (i) if he does not have a qualifying owner's interest, or
    - (ii) if he does not have the intention specified in the owner's certificate which accompanied the application; or

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- (b) in the case of a tenant’s application—
  - (i) if he is not a qualifying tenant of the dwelling, or
  - (ii) if the application was accompanied by an owner’s certificate and the landlord does not have the intention specified in the certificate.
- (5) For the purposes of this section an applicant is not entitled to an HMO grant—
  - (a) if he does not have a qualifying owner’s interest in the house; or
  - (b) if he does not have the intention specified in the certificate of future occupation which accompanied the application.
- (6) For the purposes of this section an applicant whose application is a landlord’s application for a common parts grant is not entitled to a grant—
  - (a) if he does not have an owner’s interest in the building; or
  - (b) if he does not have a duty or power to carry out the relevant works.

#### *Grant conditions and repayment*

#### **44 Grant conditions: introductory**

- (1) The following sections have effect with respect to the conditions to be observed where an application for a grant has been approved by a local housing authority.

In this Chapter a “grant condition” means a condition having effect in accordance with any of those sections.

- (2) Except as otherwise provided—
- (a) the grant conditions as to repayment on disposal (sections 45 to 47) have effect from the date on which the application is approved until the end of the grant condition period;
  - (b) the grant conditions as to occupation (sections 48 to 50) have effect from the certified date until the end of the grant condition period; and
  - (c) a grant condition imposed under section 52 (power to impose other conditions with consent of Secretary of State) has effect for such period as may be specified in, or in accordance with, the Secretary of State’s consent.
- (3) In this Chapter—
- (a) the “grant condition period” means the period of five years, or such other period as the Secretary of State may by order specify or as may be imposed by the local housing authority with the consent of the Secretary of State, beginning with the certified date; and
  - (b) the “certified date” means the date certified by the local housing authority as the date on which the execution of the eligible works is completed to their satisfaction.
- (4) A local housing authority may not impose any condition requiring a grant to be repaid except in accordance with the following sections.

This applies whether the condition purports to operate as a condition of the grant, as a personal covenant or otherwise.

**45 Condition for repayment on disposal: renovation grants**

- (1) It is a condition of a renovation grant that if an owner of the premises to which the application relates makes a relevant disposal (other than an exempt disposal)—
- (a) of the whole or part of the premises to which the application relates,
  - (b) after any instalment of grant has been paid, and
  - (c) before the certified date,

he shall repay to the local housing authority on demand the amount of grant that has been paid.

- (2) It is a condition of a renovation grant that if an owner of the dwelling to which the application relates or, in the case of a conversion application, any dwelling provided by the relevant works, makes a relevant disposal (other than an exempt disposal)—
- (a) of the whole or part of the dwelling,
  - (b) on or after the certified date, and
  - (c) before the end of the grant condition period,

he shall repay to the local housing authority on demand the amount of grant that has been paid.

In the case of a conversion application the grant shall be treated for this purpose as apportioned equally between the dwellings provided.

- (3) A condition under this section is a local land charge and is binding on any person who is for the time being an owner of the premises concerned.
- (4) Where the authority have the right to demand repayment of an amount as mentioned in subsection (1) or (2), they may—
- (a) if the case falls within subsection (5), or
  - (b) in any other case, with the consent of the Secretary of State,
- determine not to demand payment or to demand a lesser amount.
- (5) The cases referred to in subsection (4)(a) are where the authority are satisfied that the owner of the dwelling—
- (a) is elderly or infirm and is making the disposal with the intention—
    - (i) of going to live in a hospital, hospice, sheltered housing, residential care home or similar institution as his only or main residence, or
    - (ii) of moving to somewhere where care will be provided by any person;
 or
  - (b) is making the disposal with the intention of going to live with and care for an elderly or infirm member of his family or his partner's family.
- (6) Any condition under this section shall cease to be in force with respect to any premises if there is a relevant disposal of the premises that is an exempt disposal, other than—
- (a) a disposal within section 54(1)(a) (disposal to associates of person making disposal), or
  - (b) a disposal within section 54(1)(b) (vesting under will or on intestacy).

**46 Condition for repayment on disposal: common parts grants**

- (1) It is a condition of a common parts grant approved on a landlord's application that if the applicant makes a relevant disposal (other than an exempt disposal)—
- (a) of the whole or part of the building,

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- (b) after any instalment of grant has been paid, and
- (c) before the certified date,

he shall repay to the local housing authority on demand the amount of grant that has been paid.

- (2) It is a condition of a common parts grant approved on a landlord's application that if the applicant makes a relevant disposal (other than an exempt disposal)—
- (a) of the whole or part of the building,
  - (b) on or after the certified date, and
  - (c) before the end of the grant condition period,
- he shall repay to the local housing authority on demand the amount of grant that has been paid.
- (3) A condition under this section is a local land charge and is binding on any person who is for the time being a successor in title to the interest in the building by virtue of which the applicant made his application.
- (4) Where the authority have the right to demand repayment of an amount as mentioned in subsection (1) or (2), they may, with the consent of the Secretary of State, determine not to demand payment or to demand a lesser amount.
- (5) Any condition under this section shall cease to be in force with respect to any premises if there is a relevant disposal of the premises that is an exempt disposal.

#### **47 Condition for repayment on disposal: HMO grants**

- (1) It is a condition of an HMO grant that if an owner of the house makes a relevant disposal (other than an exempt disposal)—
- (a) of the whole or part of the house,
  - (b) after any instalment of grant has been paid, and
  - (c) before the certified date,
- he shall repay to the local housing authority on demand the amount of grant that has been paid.
- (2) It is a condition of an HMO grant that if an owner of the house makes a relevant disposal (other than an exempt disposal)—
- (a) of the whole or part of the house,
  - (b) on or after the certified date, and
  - (c) before the end of the grant condition period,
- he shall repay to the local housing authority on demand the amount of grant that has been paid.
- (3) A condition under this section is a local land charge and is binding on any person (other than a local housing authority or registered social landlord) who is for the time being an owner of the house.
- (4) Where the authority have the right to demand repayment of an amount as mentioned in subsection (1) or (2), they may, with the consent of the Secretary of State, determine not to demand payment or to demand a lesser amount.
- (5) Any condition under this section shall cease to be in force with respect to any premises if there is a relevant disposal of the premises that is an exempt disposal.

**48 Condition as to owner-occupation: renovation grants**

- (1) Where an application for a renovation grant was accompanied by an owner-occupation certificate in respect of any dwelling (see section 8(2)), it is a condition of the grant that throughout the grant condition period the dwelling is occupied in accordance with the intention stated in the certificate.
- (2) It is also a condition of the grant that if at any time when that condition is in force the authority serve notice on the owner of the dwelling requiring him to do so, he will within the period of 21 days beginning with the date on which the notice was served furnish to the authority a statement showing how that condition is being fulfilled.
- (3) A condition under this section is a local land charge and is binding on any person who is for the time being an owner of the dwelling.
- (4) In the event of a breach of a condition under this section, the owner for the time being of the dwelling shall on demand repay to the local housing authority the amount of the grant, together with compound interest on that amount as from the certified date, calculated at such reasonable rate as the authority may determine and with yearly rests.
- (5) The local housing authority may determine not to make such a demand or to demand a lesser amount.
- (6) Any condition under this section shall cease to be in force with respect to the dwelling if there is a relevant disposal of the dwelling that is an exempt disposal, other than—
  - (a) a disposal within section 54(1)(a) (disposal to associates of person making disposal), or
  - (b) a disposal within section 54(1)(b) (vesting under will or on intestacy).

**49 Condition as to availability for letting: renovation grants**

- (1) Where an application for a renovation grant was accompanied by a certificate of intended letting in respect of any dwelling (see section 8(3)), it is a condition of the grant that throughout the grant condition period the dwelling is let or available for letting in accordance with the intention stated in the certificate.
- (2) It is also a condition of the grant that if at any time within the grant condition period the local housing authority by whom the grant was paid serve notice on the owner of the dwelling requiring him to do so, he will within the period of 21 days beginning on the date on which the notice was served furnish to the authority a statement showing how the condition in subsection (1) is being fulfilled.
- (3) A condition under this section is a local land charge and is binding on any person (other than a local housing authority or registered social landlord) who is for the time being the owner of the dwelling.
- (4) In the event of a breach of a condition under this section, the owner for the time being of the dwelling shall on demand repay to the local housing authority the amount of the grant, together with compound interest on that amount as from the certified date, calculated at such reasonable rate as the authority may determine and with yearly rests.
- (5) The local housing authority may determine not to make such a demand or to demand a lesser amount.
- (6) The terms of any tenancy of the dwelling (or any part of it, or any property including the dwelling or part of it) shall be deemed to include a duty on the part of the tenant, if

required to do so by the owner of the dwelling, to furnish him with such information as he may reasonably require to enable him to comply with a notice under subsection (2).

## **50 Conditions as to occupation: HMO grants**

- (1) It is a condition of an HMO grant that throughout the grant condition period—
  - (a) the house is occupied or available for residential occupation in accordance with the intention stated in the certificate of future occupation that accompanied the application (see section 26(2)); and
  - (b) that the house is not so occupied as to cause—
    - (i) a breach of the duty under section 353A of the Housing Act 1985 (duty to keep premises fit for number of occupants), or
    - (ii) a breach of any direction given by the local housing authority under section 354 of that Act (power to limit number of occupants of house).
- (2) It is also a condition of the grant that if at any time within the grant condition period the local housing authority by whom the grant was paid serve notice on the owner of the house requiring him to do so, he will within the period of 21 days beginning with the date on which the notice was served furnish to the authority a statement showing how the condition in subsection (1)(a) is being fulfilled.
- (3) A condition under this section is a local land charge and is binding on any person (other than a local housing authority or registered social landlord) who is for the time being an owner of the house.
- (4) In the event of a breach of a condition under this section, the owner for the time being of the dwelling shall on demand pay to the local housing authority the amount of the grant, together with compound interest on that amount as from the certified date, calculated at such reasonable rate as the authority may determine and with yearly rests.
- (5) The local housing authority may determine not to make such a demand or to demand a lesser amount.
- (6) The terms of any tenancy of any part of the house shall be deemed to include a duty on the part of the tenant, if required to do so by the owner of the house, to furnish him with such information as he may reasonably require to enable him to comply with a notice under subsection (2).

## **51 Conditions as to repayment in case of other compensation, &c**

- (1) Where a local housing authority approve an application for a grant they may, with the consent of the Secretary of State, impose a condition requiring the applicant to take reasonable steps to pursue any relevant claim to which this section applies and to repay the grant, so far as appropriate, out of the proceeds of such a claim.
- (2) The claims to which this section applies are—
  - (a) an insurance claim, or a legal claim against another person, in respect of damage to the premises to which the grant relates, or
  - (b) a legal claim for damages in which the cost of the works to premises to which the grant relates is part of the claim;
 and a claim is a relevant claim to the extent that works to make good the damage mentioned in paragraph (a), or the cost of which is claimed as mentioned in paragraph (b), are works to which the grant relates.

- (3) In the event of a breach of a condition under this section, the applicant shall on demand pay to the local housing authority the amount of the grant so far as relating to any such works, together with compound interest as from such date as may be prescribed by or determined in accordance with the regulations, calculated at such reasonable rate as the authority may determine and with yearly rests.
- (4) The local housing authority may determine not to make such a demand or to demand a lesser amount.

## **52 Power to impose other conditions with consent of Secretary of State**

- (1) Where a local housing authority approve an application for a grant they may, with the consent of the Secretary of State, impose such conditions as they think fit—
  - (a) relating to things done or omitted before the certified date and requiring the repayment to the local housing authority on demand of any instalments of grant paid, or
  - (b) relating to things done or omitted on or after that date and requiring the payment to the local housing authority on demand of a sum equal to the amount of the grant paid;

and, in either case, that amount may be required to be paid together with compound interest on that amount as from the date of payment, calculated at such reasonable rate as the authority may determine and with yearly rests.

- (2) A condition under this section is a local land charge and is binding on—
  - (a) any person who is for the time being an owner of the dwelling, house or building, and
  - (b) such other persons (if any) as the authority may, with the consent of the Secretary of State, specify.
- (3) The reference in subsection (2)(a) to the owner of the building shall be construed—
  - (a) in the case of a grant condition imposed on a landlord's application for a common parts grant, as a reference to the applicant or any successor in title to the interest in the building by virtue of which the applicant made his application;
  - (b) in the case of a grant condition imposed on an application for an HMO grant, as excluding a local housing authority or registered social landlord.
- (4) Where the authority have the right to demand repayment of an amount as mentioned in subsection (1), they may determine not to demand payment or to demand a lesser amount.
- (5) Any conditions imposed under this section are in addition to the conditions provided for by sections 45 to 51.

## **53 Meaning of relevant disposal**

- (1) A disposal is a relevant disposal for the purposes of the provisions of this Chapter relating to grant conditions if it is—
  - (a) a conveyance of the freehold or an assignment of the lease, or
  - (b) the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent.

- (2) For the purposes of subsection (1)(b) it shall be assumed—
  - (a) that any option to renew or extend a lease or sub-lease, whether or not forming part of a series of options, is exercised, and
  - (b) that any option to terminate a lease or sub-lease is not exercised.
- (3) The grant of an option enabling a person to call for a relevant disposal shall be treated as such a disposal made to him.

#### **54 Meaning of exempt disposal**

- (1) A disposal is an exempt disposal for the purposes of the provisions of this Chapter relating to grant conditions if it is a disposal of the whole or part of the premises to which the application relates of any of the following descriptions—
  - (a) a conveyance of the freehold or an assignment of the lease where the person, or each of the persons, to whom it is made is a qualifying person (as defined in subsection (2));
  - (b) a vesting in a person taking under a will or on an intestacy;
  - (c) a disposal in pursuance of any such order as is mentioned in subsection (3);
  - (d) a compulsory disposal (see subsection (4));
  - (e) a disposal of property consisting of land included in the dwelling by virtue of section 184 of the Housing Act 1985 (land let with or used for the purposes of the dwelling-house);
  - (f) a disposal under which the interest of a person entitled to assistance by way of repurchase under Part XVI of that Act (assistance for owners of defective housing) is acquired in accordance with Schedule 20 to that Act;
  - (g) a disposal by way of enfranchisement or lease extension under Part I of the Leasehold Reform Act 1967;
  - (h) a disposal in pursuance of an obligation arising under Chapter I or II of Part I of the Leasehold Reform, Housing and Urban Development Act 1993;
  - (i) a disposal on the exercise of a right of first refusal under Part I of the Landlord and Tenant Act 1987 or in accordance with an acquisition order under Part III of that Act;
  - (j) a disposal on the exercise of—
    - (i) the right to buy under Part V of the Housing Act 1985, or
    - (ii) the right conferred by section 16 of the Housing Act 1996 (right of tenant of registered social landlord to acquire dwelling);
  - (k) a conveyance of the freehold or an assignment of the lease where—
    - (i) the person making the disposal is aged at least 70,
    - (ii) the disposal is to provide an annuity income, and
    - (iii) the person concerned is entitled to continue to occupy the premises as his only or main residence;
  - (l) a disposal of any other description specified by order of the Secretary of State for the purposes of this section.
- (2) A person is a qualifying person for the purposes of subsection (1)(a) if—
  - (a) in the case of an individual, he is—
    - (i) the person, or one of the persons, by whom the disposal is made;
    - (ii) the spouse, or former spouse, of that person or one of those persons; or
    - (iii) a member of the family of that person or one of those persons; or



- (b) in the case of a company, it is an associated company of the company by whom the disposal is made.

Section 416 of the Income and Corporation Taxes Act 1988 (meaning of associated company) applies in determining whether a company is an associated company of another for the purposes of paragraph (b).

- (3) The orders referred to in subsection (1)(c) are orders under—
  - (a) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings);
  - (b) section 2 of the Inheritance (Provision for Family and Dependents) Act 1975 (orders as to financial provision to be made from estate);
  - (c) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, etc.); or
  - (d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).
- (4) For the purposes of subsection (1)(d) a compulsory disposal is a disposal of property which is acquired compulsorily, or is acquired by a person who has made or would have made, or for whom another person has made or would have made, a compulsory purchase order authorising its compulsory purchase for the purposes for which it is acquired.
- (5) The grant of an option enabling a person to call for an exempt disposal shall be treated as such a disposal made to him.

## **55 Cessation of conditions on repayment of grant, &c**

- (1) If at any time while a grant condition remains in force with respect to a dwelling, house or building—
  - (a) the owner of the dwelling, house or building to which the condition relates pays the amount of the grant to the local housing authority by whom the grant was made,
  - (b) a mortgagee of the interest of the owner in that dwelling, house or building being a mortgagee entitled to exercise a power of sale, makes such a payment,
  - (c) the local housing authority determine not to demand repayment on the breach of a grant condition, or
  - (d) the authority demand repayment in whole or in part on the breach of a grant condition and that demand is satisfied,
 that grant condition and any other grant conditions shall cease to be in force with respect to that dwelling, house or building.
- (2) In the case of a grant condition imposed on a landlord's application for a common parts grant the references in subsection (1)(a) and (b) to the owner of the building are to the applicant or any such successor in title as is referred to in section 46(3).
- (3) An amount paid by a mortgagee under subsection (1)(b) above shall be treated as part of the sums secured by the mortgage and may be discharged accordingly.
- (4) The purposes authorised for the application of capital money by—
  - (a) section 73 of the Settled Land Act 1925,

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- (b) that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale, and
  - (c) section 26 of the Universities and College Estates Act 1925,
- include the making of payments under this section.

*Supplementary provisions*

**56 Provisions relating to death of applicant**

- (1) References in this Chapter to the applicant, in relation to a grant or an application for a grant, shall be construed in relation to any time after his death as a reference to his personal representatives.
- (2) Where the applicant dies after liability has been incurred for any preliminary or ancillary services or charges, the local housing authority may, if they think fit, pay grant in respect of some or all of those matters.
- (3) Where the applicant dies after the relevant works have been begun and before the certified date, the local housing authority may, if they think fit, pay grant in respect of some or all of the works already carried out and other relevant works covered by the application.
- (4) Nothing in this section shall be construed as preventing the provisions as to grant conditions applying in relation to any payment of grant under subsection (2) or (3).

**57 Power of local housing authority to carry out works which would attract grant**

- (1) A local housing authority may by agreement with a person having the requisite interest execute at his expense—
  - (a) any works towards the cost of which a grant under this Chapter is payable or might be paid on an application duly made and approved, and
  - (b) any further works which it is in their opinion necessary or desirable to execute together with the works mentioned in paragraph (a).
- (2) Except in the case of a common parts grant, the “requisite interest” means a qualifying owner’s interest for the purposes of a renovation grant, or an owner’s interest for the purposes of a disabled facilities grant or HMO grant, as the case may be.
- (3) In the case of a common parts grant, the reference in subsection (1) to a person having the requisite interest is a reference to the person who has—
  - (a) an owner’s interest in the building, or
  - (b) such an interest in a flat in the building as is mentioned in section 14(2)(a) to (d) (occupying tenants),
 and has a power or duty to carry out the relevant works.

**58 Minor definitions: Chapter I**

In this Chapter—

“common parts”, in relation to a building, includes the structure and exterior of the building and common facilities provided, whether in the building or elsewhere, for persons who include the occupiers of one or more flats in the building;

“common parts application”, in relation to an application for a disabled facilities grant, means an application in respect of works to the common parts of a building containing one or more flats;

“conversion application”—

(a) in relation to an application for a renovation grant, means an application in respect of works required for the provision of one or more dwellings by the conversion of a house or other building, and

(b) in relation to an application for an HMO grant, means an application for a grant in respect of works for the provision of a house in multiple occupation by the conversion of a house or other building;

“flat” means a dwelling which is a separate set of premises, whether or not on the same floor, divided horizontally from some other part of the building.

## 59 Index of defined expressions: Chapter 1

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

certificate of future occupation (in relation to an application for an HMO grant)	section 26(2)
certificate of intended letting (in relation to an application for a renovation grant)	section 8(3)
certified date	section 44(3)(b)
common parts	section 58
common parts application (in relation to a disabled facilities grant)	section 58
common parts grant	section 1(3)
connected (with the owner of a dwelling)	section 98(2)
conversion application	section 58
disabled facilities grant	section 1(4)
disabled occupant	section 20
disabled person	section 100(1) to (3)
dwelling	section 101
elderly	section 101
eligible works	section 34(2)(a)
estimated expense	section 34(2)
exempt disposal	section 54
fit for human habitation	section 97(1)
flat	section 58
grant (without more)	section 1(6)
grant condition	section 44(1)

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grant condition period	section 44(3)(a)
HMO grant	section 1(5)
house in multiple occupation	section 101
housing action trust	section 101
improvement	section 101
introductory tenant	section 101
landlord's application	
–in relation to a renovation grant	section 10(6)
–in relation to a common parts grant	section 15(1) and (2)
local authority	section 101
local housing authority	section 101
long tenancy	section 101
member of family	section 98(1)
new town corporation	section 101
occupying tenant (in relation to an application for a common parts grant)	section 14(2)
owner	sections 99 and 101
owner-occupation certificate (in relation to an application for a renovation grant)	section 8(2)
owner's application	
–in relation to a renovation grant	section 7(1) and (2)
–in relation to a disabled facilities grant	section 19(1) and (2)
owner's certificate (in relation to an application for a disabled facilities grant)	section 21(2)
owner's interest	section 101
participating landlord (in relation to a tenants' application for a common parts grant)	section 15(4)
partner	section 101
preliminary or ancillary services and charges	section 2(3)
prescribed	section 101
qualifying owner's interest	
–in relation to an application for a renovation grant	section 7(4)
–in relation to an application for a disabled facilities grant	section 19(4)

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–in relation to an application for an HMO grant	section 25(3)
qualifying tenant	
–in relation to an application for a renovation grant	section 7(5)
–in relation to an application for a disabled facilities grant	section 19(4)
reasonable repair	section 96
registered social landlord	section 101
relevant disposal	section 53
relevant works (in relation to a grant application)	section 2(2)(a)
renewal area	section 101
renovation grant	section 1(2)
secure tenancy and secure tenant	section 101
social services authority	section 100(4)
statutory tenancy and statutory tenant	section 101
tenancy and tenant (generally)	section 101
tenant (and expressions relating to tenancies)	
–in the context of a tenant’s application for a renovation grant	section 7(6)
–in the context of a certificate of intended letting	section 8(4)
–in the context of an application for a common parts grant	section 14(2)
–in the context of an application for disabled facilities grant	section 19(5)
tenant’s application	
–in relation to a renovation grant	section 7(1) and (2)
–in relation to a disabled facilities grant	section 19(1) and (2)
tenants’ application (in relation to a common parts grant)	section 15(1) and (2)
tenant’s certificate	
–for the purposes of an application for a renovation grant	section 9(2)
–for the purposes of an application for a disabled facilities grant	section 22(2)
urban development corporation	section 101

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