



# Housing Grants, Construction and Regeneration Act 1996

## 1996 CHAPTER 53

### PART I

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

### CHAPTER V

#### SUPPLEMENTARY PROVISIONS

#### *Interpretation*

#### **96 Meaning of “reasonable repair”**

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

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

#### **97 Fitness for human habitation**

- (1) Section 604 of the Housing Act 1985 (fitness for human habitation) applies for the purposes of this Part as it applies for the purposes of that Act.
- (2) In deciding whether they are satisfied that the carrying out of the relevant works is the most satisfactory course of action in a case where the house or dwelling concerned is unfit for human habitation, the local housing authority shall have regard to any guidance given under section 604A of the Housing Act 1985 and section 85 of this Act.

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*Status: This is the original version (as it was originally enacted).*

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For that purpose the authority shall treat any guidance given in respect of the serving of a repair notice under section 189(1) of the Housing Act 1985 as guidance given in respect of the completion of the relevant works.

## **98 Members of a person’s family and connected persons**

- (1) Section 113 of the Housing Act 1985 (meaning of “members of a person’s family”) applies in determining whether a person is a member of another’s family for the purposes of this Part.
- (2) For the purposes of this Part a person is connected with the owner for the time being of a dwelling if—
  - (a) in a case where personal representatives or trustees are the owner, he is a person who under the will or intestacy or, as the case may be, under the terms of the trust concerned is beneficially entitled to an interest in the dwelling or to the proceeds of sale of the dwelling;
  - (b) in any other case, he is a member of the family of the owner.

## **99 Meaning of “owner” of dwelling**

- (1) In this Part “owner”, in relation to a dwelling, means the person who—
  - (a) is for the time being entitled to receive from a lessee of the dwelling (or would be so entitled if the dwelling were let) a rent at an annual rate of not less than two-thirds of the net annual value of the dwelling; and
  - (b) is not himself liable as lessee of the dwelling, or of property which includes the dwelling, to pay such a rent to a superior landlord.
- (2) For this purpose the net annual value of a dwelling means the rent at which the dwelling might reasonably be expected to be let from year to year if the tenant undertook to pay all usual tenant’s rates and taxes and to bear the cost of repair and insurance and the other expenses, if any, necessary to maintain the dwelling in a state to command that rent.
- (3) Any dispute arising as to the net annual value of a dwelling shall be referred in writing for decision by the district valuer.

In this subsection “district valuer” has the same meaning as in the Housing Act 1985.

## **100 Disabled persons**

- (1) For the purposes of this Part a person is disabled if—
  - (a) his sight, hearing or speech is substantially impaired,
  - (b) he has a mental disorder or impairment of any kind, or
  - (c) he is physically substantially disabled by illness, injury, impairment present since birth, or otherwise.
- (2) A person aged eighteen or over shall be taken for the purposes of this Part to be disabled if—
  - (a) he is registered in pursuance of any arrangements made under section 29(1) of the National Assistance Act 1948 (disabled persons' welfare), or

- (b) he is a person for whose welfare arrangements have been made under that provision or, in the opinion of the social services authority, might be made under it.
- (3) A person under the age of eighteen shall be taken for the purposes of this Part to be disabled if—
- (a) he is registered in a register of disabled children maintained under paragraph 2 of Schedule 2 to the Children Act 1989, or
- (b) he is in the opinion of the social services authority a disabled child as defined for the purposes of Part III of the Children Act 1989 (local authority support for children and their families).
- (4) In this Part the “social services authority” means the council which is the local authority for the purposes of the Local Authority Social Services Act 1970 for the area in which the dwelling or building is situated.
- (5) Nothing in subsection (1) above shall be construed as affecting the persons who are to be regarded as disabled under section 29(1) of the National Assistance Act 1948 or section 17(11) of the Children Act 1989 (which define disabled persons for the purposes of the statutory provisions mentioned in subsections (2) to (4) above).

## 101 Minor definitions: Part I

In this Part—

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

“elderly” means aged 60 years or over;

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

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

“improvement” includes alteration and enlargement;

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

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

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

“new town corporation” has the same meaning as in the Housing Act 1985 and includes any body established by order under paragraph 7 of Schedule 9 to the New Towns Act 1981;

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

“owner’s interest”, in relation to any premises, means—

- (a) an estate in fee simple absolute in possession, or
- (b) a term of years absolute of which not less than five years remain unexpired at the date of the application,

whether held by the applicant alone or jointly with others;

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

“prescribed” means prescribed by regulations made by the Secretary of State;

“registered social landlord” has the same meaning as in Part I of the Housing Act 1996;

“renewal area” has the same meaning as in Part VII of the Local Government and Housing Act 1989;

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

“statutory tenancy” and “statutory tenant” mean a statutory tenancy or statutory tenant within the meaning of the Rent Act 1977 or the Rent (Agriculture) Act 1976;

“tenancy” includes a sub-tenancy and an agreement for a tenancy or sub-tenancy;

“tenant” includes a sub-tenant and any person deriving title under the original tenant or sub-tenant;

“urban development corporation” has the same meaning as in the Housing Act 1985 and includes any body established by order under section 165B of the Local Government, Planning and Land Act 1980.