



Housing Grants, Construction and Regeneration Act 1996

1996 CHAPTER 53

PART V

MISCELLANEOUS AND GENERAL PROVISIONS

Miscellaneous provisions

141 Existing housing grants: meaning of exempt disposal

- (1) Section 124 of the Local Government and Housing Act 1989 (relevant and exempt disposals for purposes of housing grants) is amended as follows.
- (2) In subsection (3) (exempt disposals), for paragraph (c) substitute—
 - “(c) a disposal of the whole of the dwelling in pursuance of any such order as is mentioned in subsection (4A) below;”.
- (3) After subsection (4) insert—
 - “(4A) The orders referred to in subsection (3)(c) above 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 Dependants) 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, &c.), or
 - (d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);”.

142 Home energy efficiency schemes

- (1) In section 15 of the Social Security Act 1990 (grants for the improvement of energy efficiency in certain dwellings, &c.) for subsection (1) (power to make grants) substitute—

“(1) The Secretary of State may make or arrange for the making of grants—

- (a) towards the cost of carrying out work for the purpose of—
 - (i) improving the thermal insulation of dwellings, or
 - (ii) otherwise reducing or preventing the wastage of energy in dwellings (whether in connection with space or water heating, lighting, the use of domestic appliances or otherwise), and
- (b) where any such work is, or is to be, carried out, towards the cost of providing persons with advice on reducing or preventing the wastage of energy in dwellings;

but no grants shall be made under this section except in accordance with regulations made by the Secretary of State.”.

- (2) In subsection (10) of that section, after the definition of “functions”, insert—

““materials” includes space and water heating systems;”.

143 Urban development corporations: pre-dissolution transfers

- (1) After section 165A of the Local Government, Planning and Land Act 1980 insert—

“165B Transfer of property, rights and liabilities to statutory bodies

- (1) Subject to this section, the Secretary of State may at any time by order transfer to a statutory body, upon such terms as he thinks fit, any property, rights or liabilities which—
- (a) are for the time being vested in an urban development corporation, and
 - (b) are not proposed to be transferred under section 165 or 165A above.
- (2) An order under this section may terminate—
- (a) any appointment of the corporation under subsection (1) of section 177 of the Leasehold Reform, Housing and Urban Development Act 1993 (power of corporations to act as agents of the Urban Regeneration Agency); and
 - (b) any arrangements made by the corporation under subsection (2) of that section.
- (3) An order under this section may—
- (a) establish new bodies corporate to receive any property, rights or liabilities to be transferred by an order under this section;
 - (b) amend, repeal or otherwise modify any enactment for the purpose of enabling any body established under any enactment to receive such property, rights or liabilities.
- (4) An order under this section—

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- (a) may contain such incidental, consequential, transitional or supplementary provision as the Secretary of State thinks necessary or expedient (including provisions amending, repealing or otherwise modifying any enactment); and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Before making an order under this section, the Secretary of State shall consult each local authority in whose area all or part of the urban development area is situated.
- (6) In this section—
 - “enactment” includes any instrument made under any enactment;
 - “statutory body” means any body established under this section or any other enactment.”.
- (2) In consequence of the above amendment, the Local Government, Planning and Land Act 1980 is amended as follows.
- (3) In section 165(9) (meaning of local authority) for “sections 165A and 166” substitute “sections 165A to 166”.
- (4) In section 165A(1) (power of Secretary of State to transfer property &c. to himself) for paragraph (b) substitute—
 - “(b) are not proposed to be transferred under section 165 above or 165B below.”.
- (5) In section 166(5) (dissolution of corporations) after “section 165A” insert “or 165B”.

144 Housing action trusts: orders for dissolution

- (1) Section 88 of the Housing Act 1988 (dissolution of housing action trusts) is amended as follows.
- (2) In subsection (4) (contents of dissolution orders) after paragraph (a) insert—
 - “(aa) where it provides for any such disposal or transfer as is mentioned in subsection (2)(b) above, may contain provisions—
 - (i) establishing new bodies corporate to receive the disposal or transfer; or
 - (ii) amending, repealing or otherwise modifying any enactment for the purpose of enabling any body established under any enactment to receive the disposal or transfer;”.
- (3) In paragraph (b) of that subsection (supplementary and transitional provisions) for the words from “any enactment”, where it first appears, to “order” substitute “, repealing or otherwise modifying any enactment”.
- (4) After that subsection insert—
 - “(5) In this section “enactment” includes any instrument made under any enactment.”.

145 The Commission for the New Towns: orders for dissolution

- (1) In Schedule 9 to the New Towns Act 1981 (additional provisions as to the Commission for the New Towns) paragraph 7 (power to dissolve Commission) is amended as follows.
- (2) After sub-paragraph (2) insert—
- “(2A) Any order under this paragraph may—
- (a) establish new bodies corporate to receive any property, rights, liabilities or obligations vested by an order under this paragraph;
- (b) amend, repeal or otherwise modify any enactment for the purpose of enabling any body established under any enactment to receive such property, rights, liabilities or obligations.”.
- (3) In sub-paragraph (3) (incidental, supplemental, consequential or transitional provision) for the words from “amendments” to the end substitute “provisions amending, repealing or otherwise modifying any enactment.”.
- (4) For sub-paragraph (7) (interpretation) substitute—
- “(7) In this paragraph—
- “accountable public authority” means a body established under this paragraph or any other enactment;
- “enactment” includes any instrument made under any enactment.”.

*General provisions***146 Orders, regulations and directions**

- (1) Orders, regulations and directions under this Act may make different provision for different cases or descriptions of case, including different provision for different areas.
- (2) Orders and regulations under this Act may contain such incidental, supplementary or transitional provisions and savings as the Secretary of State considers appropriate.
- (3) Orders and regulations under this Act shall be made by statutory instrument which, except for—
- (a) orders and regulations subject to affirmative resolution procedure (see sections 104(4), 105(4), 106(4) and 114(5)),
- (b) orders under section 150(3), or
- (c) regulations which only prescribe forms or particulars to be contained in forms, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

147 Repeals and revocations

The enactments specified in Schedule 3 are repealed or revoked to the extent specified.

148 Extent

- (1) The provisions of this Act extend to England and Wales.

- (2) The following provisions of this Act extend to Scotland—
Part II (construction contracts),
Part III (architects),
sections 126 to 128 (financial assistance for regeneration and development), and
Part V (miscellaneous and general provisions), except—
(i) sections 141, 144 and 145 (which amend provisions which do not extend to Scotland), and
(ii) Part I of Schedule 3 (repeals consequential on provisions not extending to Scotland).
- (3) The following provisions of this Act extend to Northern Ireland—
Part III (architects), and
Part V (miscellaneous and general provisions), except—
(i) sections 142 to 145 (home energy efficiency schemes and residuary bodies), and
(ii) Parts I and III of Schedule 3 (repeals consequential on provisions not extending to Northern Ireland).
- (4) Except as otherwise provided, any amendment or repeal by this Act of an enactment has the same extent as the enactment amended or repealed.

149 Corresponding provision for Northern Ireland

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of Part II (construction contracts) or section 142 (home energy efficiency schemes)—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament), but
(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

150 Commencement

- (1) The following provisions of this Act come into force on Royal Assent—
section 146 (orders, regulations and directions),
sections 148 to 151 (extent, commencement and other general provisions).
- (2) The following provisions of this Act come into force at the end of the period of two months beginning with the date on which this Act is passed—
sections 126 to 130 (financial assistance for regeneration and development),
section 141 (existing housing grants: meaning of exempt disposal),
section 142 (home energy efficiency schemes),
sections 143 to 145 (residuary bodies),
Part III of Schedule 3 (repeals consequential on Part IV) and section 147 so far as relating to that Part.
- (3) The other provisions of this Act come into force on a day appointed by order of the Secretary of State, and different days may be appointed for different areas and different purposes.

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- (4) The Secretary of State may by order under subsection (3) make such transitional provision and savings as appear to him to be appropriate in connection with the coming into force of any provision of this Act.

151 Short title

This Act may be cited as the Housing Grants, Construction and Regeneration Act 1996.