



# 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*

#### <sup>F1</sup>96 Meaning of “reasonable repair”.

.....

#### Textual Amendments

- F1** S. 96 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, [Sch. 3 para. 32](#), [Sch. 6](#) (with art. 11(2))

#### <sup>F2</sup>97 Fitness for human habitation.

.....

#### Textual Amendments

- F2** S. 97 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5)(f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with Sch.); [S.I. 2006/1535](#), art. 2(c) (with Sch.)

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

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

- (1) Section 113 of the <sup>M1</sup>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) <sup>F3</sup> .....

<b>Textual Amendments</b>	
<b>F3</b>	S. 98(2) repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 11(1), 15, <b>Sch. 3 para. 33</b> , <b>Sch. 6</b> (with art. 11(2))
<b>Marginal Citations</b>	
<b>M1</b>	1985 c. 68.

**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—
  - [<sup>F4</sup>(za) the person is registered in a register maintained under section 77(1) or (3) of the Care Act 2014 (registers of sight-impaired adults, disabled adults, etc.),
  - (zb) in the opinion of the social services authority, the person falls within a category mentioned in section 77(4) of that Act (persons for whom register may be maintained),]

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- [<sup>F5</sup>(a) the person is registered in a register maintained under section 18(5) of the Social Services and Well-being (Wales) Act 2014 (register of disabled adults and adults with an impairment or who have needs for care and support), or
- (b) in the opinion of the social services authority, the person falls within a category mentioned in section 18(6) of that Act.]
- (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 <sup>M2</sup>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 <sup>M3</sup>Children Act 1989 (local authority support for children and their families).
- [<sup>F6</sup>(c) the person is registered as disabled in a register maintained under section 18(4) of the Social Services and Well-being (Wales) Act 2014, or
- (d) the person is, in the opinion of the social services authority, disabled as defined for the purposes of section 3 of the Social Services and Well-being (Wales) Act 2014.]
- [<sup>F7</sup>(4) In this Part “social services authority” means—
- (a) in England, the council which is the local authority for the purposes of the Local Authority Social Services Act 1970, and
- (b) in Wales, the council which is the local authority for the purposes of the Social Services and Well-being (Wales) Act 2014,
- 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 [<sup>F8</sup>having a disability for the purposes of section 77 of the Care Act 2014 or as] disabled under <sup>F9</sup>... section 17(11) of the Children Act 1989 [<sup>F10</sup>or section 3 of the Social Services and Well-being (Wales) Act 2014]<sup>F11</sup>....

#### Textual Amendments

- F4** S. 100(2)(za)(zb) inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 57(2)** (with arts. 1(3), 3)
- F5** S. 100(2)(a)(b) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **152(a)**
- F6** S. 100(3)(c)(d) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **152(b)**
- F7** S. 100(4) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **152(c)**
- F8** Words in s. 100(5) inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 57(3)(a)** (with arts. 1(3), 3)
- F9** Words in s. 100(5) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **152(d)(i)**
- F10** Words in s. 100(5) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **152(d)(ii)**
- F11** Words in s. 100(5) omitted (1.4.2015) by virtue of [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 57(3)(b)** (with arts. 1(3), 3)

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**Marginal Citations**

- M2 1989 c. 41.
- M3 1989 c. 41.

**101 Minor definitions: Part I.**

In this Part—

[<sup>F12</sup>“development corporation” has the same meaning as in the Housing Act 1985;]

“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;

<sup>F13</sup>  
.....  
<sup>F13</sup>  
.....

“housing action trust” means a housing action trust established under Part III of the <sup>M4</sup>Housing Act 1988 and includes any body established by order under section 88 of the Housing Act 1988;

<sup>F13</sup>  
.....

“introductory tenancy” and “introductory tenant” have the same meaning as in Chapter I of Part V of the <sup>M5</sup>Housing Act 1996;

“local authority” and “local housing authority” have the same meaning as in the <sup>M6</sup>Housing Act 1985;

<sup>F13</sup>  
.....  
<sup>F14</sup>  
.....

“owner”, in relation to a dwelling, has the meaning given by section 99 <sup>F15</sup> . . . ;

“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; <sup>F13</sup>  
.....

“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;

[<sup>F16</sup>“secure tenant” has] the same meaning as in Part IV of the <sup>M7</sup>Housing Act 1985;

[<sup>F17</sup>“statutory tenant” means a] statutory tenant within the meaning of the <sup>M8</sup>Rent Act 1977 or the <sup>M9</sup>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;

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“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 <sup>M10</sup>Local Government, Planning and Land Act 1980.

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#### Textual Amendments

- F12** Words in s. 101 inserted (1.12.2008) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 1(2), **Sch. 1 para. 50(a)** (with Sch. 2) (see S.I. 2008/3068, art. 2(1)(b))
- F13** S. 101: definitions repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 34(a)**, **Sch. 6** (with art. 11(2))
- F14** Words in s. 101 omitted (1.12.2008) by virtue of [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 1(2), **Sch. 1 para. 50(b)** (with Sch. 2) (see S.I. 2008/3068, art. 2(1)(b))
- F15** S. 101: words in definition of "owner" repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), 15, **Sch. 3 para. 34(b)**, **Sch. 6** (with art. 11(2))
- F16** S. 101: words in definition of "secure tenancy" and "secure tenant" substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 34(c)** (with art. 11(2))
- F17** S. 101: words in definition of "statutory tenancy" and "statutory tenant" substituted (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(3), 11(1), **Sch. 3 para. 34(d)** (with art. 11(2))

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#### Commencement Information

- I1** S. 101 wholly in force; s. 101 not in force at Royal Assent see s. 150; s. 101 in force for certain purposes at 11.9.1996 by [S.I. 1996/2352](#), **art. 2(2)**; s. 101 in force insofar as not already in force at 17.12.1996 by [S.I. 1997/2842](#), **art. 3**

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#### Marginal Citations

- M4** 1988 c. 50.  
**M5** 1996 c. 52.  
**M6** 1985 c. 68.  
**M7** 1985 c. 68.  
**M8** 1977 c. 42.  
**M9** 1976 c. 80.  
**M10** 1980 c. 65.

**Changes to legislation:**

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