

The Housing Renewal Grants (Additional Conditions) (England) General Consent 1996

The Secretary of State for the Environment, as respects England, in exercise of the powers conferred on him by sections 52 and 94 of the Housing Grants, Construction and Regeneration Act 1996(1), hereby gives the following Consent:-

Citation, commencement and interpretation

1.

(1) This specification may be cited as the Housing Renewal Grants (Additional Conditions) (England) General Consent 1996 and shall come into force on 17 December 1996.

(2) In this Consent,-

"the Act" means the Housing Grants, Construction and Regeneration Act 1996;

"authority" means a local housing authority;

"applicant", without more, means an applicant for a grant under Chapter I of Part I of the Act (private sector housing renewal: main grants) and includes any person who is for the time being an owner of the property;

"the property" means the dwelling, house or building which is grant-aided.

Additional Conditions

2. Where an authority approves an application for a grant under Chapter I of Part I of the Act, they may impose such of the conditions set out in paragraphs 3 to 7 as appear to them appropriate.

Notice of relevant disposal

3.

(1) The applicant shall forthwith notify the authority of his intention to make a relevant disposal of any dwelling, building or house in multiple occupation with respect to which there is in force, as a grant condition, any condition under sections 45 to 52 of the Act and shall furnish to the authority any information reasonably requested by them in connection with such notification.

(2) This condition shall have effect during the grant condition period.

Nomination of tenants to the property

4.

- (1) In the case of an application to which any of paragraphs (a), (c) and (d) of section 31(1) of the Act (determination of amount of grant in case of landlord's application for renovation grant, disabled facilities grant or HMO grant) applies, the authority shall be entitled to nominate tenants to the property (or a relevant part of the property) throughout the grant condition period.
- (2) The applicant agrees not to offer the property (or a relevant part of the property) for letting, and the authority agrees not to make nominations to it, in such manner (including as to timing and the terms of any offer or nomination) as would prevent this condition being, or continuing to be, operable fairly and reasonably.
- (3) Without prejudice to the generality of sub-paragraph (2), the applicant agrees-
 - (a) if the property (or part of it) is or becomes vacant on the date of approval of the application, or
 - (b) if (and every time that) the property (or part of it) becomes vacant between that date and the end of the grant condition period,
forthwith to hold the property (or the vacant part of it) available for letting by persons nominated by the authority and to notify the authority of its availability for that purpose and of the terms upon which it is so available.
- (4) Subject to the applicant's strict compliance with sub-paragraph (3), this condition shall not have effect while the property (or each of its several parts) is occupied under a tenancy or tenancies satisfying the requirements of such certificate of intended letting, owner's certificate or certificate of future occupation as was submitted with the application (or, in a case where the requirement for such certificate was waived by the authority, would meet that certificate's requirements had one been so submitted).
- (5) Where the authority approve a conversion application for a renovation grant, they may apply this condition to one or more only, or to a proportion, of the total number of dwellings to be provided by the conversion; provided that the dwellings, or the proportion of dwellings, in the house or other building and to which this condition is to apply shall be identified to the applicant in writing when the application is approved.
- (6) Where the authority approve a landlord's application for a disabled facilities grant for adaptations to the common parts of a building containing one or more flats, and the application is for the benefit of more than one flat in the building, they may apply this condition to one or more only, or to a proportion, of the flats which the application is intended to benefit; provided that the flats, or the proportion of the flats, to which this condition is to apply shall be identified to the applicant in writing when the application is approved.
- (7) In this condition,-

"a relevant part of the property" means a part of the property which is or becomes vacant as described in sub-paragraph (3);

"tenancy" includes a licence arrangement satisfying the certificate of intended letting, owner's certificate or certificate of future occupation in question, and related expressions shall be construed accordingly.

Recovery of specialised equipment for the disabled

5.

- (1) Where an application for disabled facilities grant has been approved under section 23(1) or (2) (disabled facilities grant: purposes for which grant must or may be given) and the eligible works consist of or include the installation in the property of specialised equipment for the disabled occupant(s), the applicant shall notify the authority if and as soon as the equipment is no longer needed.
- (2) For the purposes of this condition-
 - (a) the authority shall, on approving the application, specify in writing the equipment to which this condition is to apply and the period (being a reasonable condition period for the equipment in question) during which it is to apply, and shall serve on the applicant a copy of such written specification; and
 - (b) the authority, or the social services authority on their behalf, shall be entitled, upon reasonable prior written notice given to the applicant either following the giving of the notification under sub-paragraph (1) or at any time during the condition period specified under paragraph (a), to inspect the equipment and, subject to complying with sub-paragraph (3), to remove it.
- (3) The authority agrees, within a reasonable time following an inspection of the equipment,-
 - (a) to notify the applicant in writing whether the equipment is to be removed; and
 - (b) if the equipment is to be removed, to remove it or arrange for it to be removed and forthwith to make good any damage caused to the property (whether by the authority themselves or the social services authority) by its removal.
- (4) The authority further agrees, where the applicant has contributed to the cost of carrying out the eligible works, to pay to him, within a reasonable time of the removal of the equipment, the reasonable current value of that proportion of its original cost which represents the proportion of his contribution to the cost of carrying out the eligible works.
- (5) For the purposes of sub-paragraph (4), the reasonable current value of the equipment shall be its value at the time of removal from the property.
- (6) Subject to the authority giving prior written notice in accordance with sub-paragraph (2)(b) or, as the case may be, (3)(a), the applicant agrees to afford, or to use his best endeavours to arrange for the affording of, reasonable access to the property to the authority or the social services authority for the purposes of inspection and removal of the equipment.

Insurance for grant-aided property

6. Where the applicant has an insurable interest in the grant-aided property, he shall arrange and maintain in effect adequate insurance for the property, subject to and with the benefit of the completed works, throughout the grant condition period.

Repair of grant-aided property

7. Where the applicant has a duty or power to carry out works of repair to the grant-aided property, he shall ensure that, to the extent that his duty or power allows, the property remains fit for human habitation throughout the grant condition period.

Repayment of grant

8. In the event of a breach of any of the conditions set out in paragraphs 3 to 7, the authority may demand repayment from the applicant of a sum equal to the amount of the grant paid or, as the case may be, any instalments of grant paid and the same shall become repayable to the authority in accordance with section 52 of the Act.

Application

9. Paragraphs 2 to 8 shall not have effect in relation to applications for grant made before 17 December 1996.

Signed by authority of
the Secretary of State

2 December 1996

C L L Braun
Assistant Secretary
Department of the
Environment