

The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008

The Secretary of State for Communities and Local Government in exercise of her powers under sections 34(6)(b), 46, 52 and 94 of the Housing Grants, Construction and Regeneration Act 1996 (“the Act”) gives to all local housing authorities in England the following general consent:

Citation and commencement

1. This consent may be cited as the Housing Grants Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 and shall come into force on 22 May 2008.

Interpretation

2. Words and expressions used in this consent shall, unless the context otherwise requires, take the same meaning that is given to them in the Act.

Consent

3.—(1) Where —

- (a) a local housing authority approves an application for a grant under Part 1 of the Act;
- (b) the grant is for a sum exceeding £5,000; and
- (c) the applicant (“the recipient”) has a qualifying owner’s interest in the premises on which the relevant works are to be carried out,

the local housing authority may impose the conditions (or conditions to like effect) contained in paragraph (2).

(2) The local housing authority may demand the repayment by the recipient of such part of the grant that exceeds £5000 (but may not demand an amount in excess of £10,000) if—

- (a) the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and
- (b) the local housing authority, having considered—
 - (i) the extent to which the recipient of the grant would suffer financial hardship were he to be required to repay all or any of the grant;
 - (ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
 - (iii) whether the disposal is made for reasons connected with the physical or mental health or well being of the recipient of the grant or of a disabled occupant of the premises; and
 - (iv) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity,

is satisfied that it is reasonable in all the circumstances to require the repayment.

Application of Section 52 of the Act

4. The conditions in paragraph 3 are local land charges and are binding on any person who is for the time being an owner of the dwelling or building.

Signed by authority of the Secretary of State for Communities and Local Government

A handwritten signature in cursive script that reads "Terrie Alafat". The signature is written in a dark ink on a light-colored background.

Terrie Alafat

A Senior Civil Servant in the Department for Communities and local Government

8th May 2008