STATUTORY INSTRUMENTS

2003 No. 412

The Housing (Northern Ireland) Order 2003

PART III

GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING

CHAPTER II

THE MAIN GRANTS

Common parts grants

Common parts grants: occupation of flats by occupying tenants

45.—(1) The Executive shall not entertain an application for a common parts grant unless it is satisfied that at the date of the application at least the required proportion of the flats in the building concerned is occupied by occupying tenants.

(2) In this Chapter an "occupying tenant", in relation to a flat in a building, means a person who has in relation to the flat (alone or jointly with others)—

(a) a protected tenancy,

(b) a statutory tenancy, or

(c) a tenancy or licence which satisfies such conditions as may be specified by order of the Department,

and who occupies the flat as his only or main residence.

References in this Chapter to other expressions relating to tenancies, in the context of an application for a common parts grant, shall be construed accordingly.

(3) The "required proportion" mentioned in paragraph (1) is three-quarters or such other proportion as may be—

(a) specified for the purposes of this Article by an order of the Department, or

(b) approved by the Department, in relation to a particular case or description of case, on application made by the Executive.

Common parts grants: landlord's and tenants' applications

46.—(1) The Executive shall not entertain an application for a common parts grant unless it is satisfied—

(a) that the applicant has an owner's interest in the building and has a duty or power to carry out the relevant works, or

(b) that the application is made by at least three-quarters of the occupying tenants of the building who under their tenancies have a duty to carry out, or to make a contribution in respect of the carrying out of, some or all of the relevant works.

(2) References in this Chapter to a "landlord's application" and a "tenants' application", in relation to a common parts grant, shall be construed accordingly.

(3) In deciding whether the requirement in sub-paragraph (b) of paragraph (1) is met—

(a) where a tenancy is held by 2 or more persons jointly, those persons shall be regarded as a single occupying tenant; and

(b) a tenant whose tenancy is of a description specified for the purposes of that sub-paragraph by order of the Department shall be treated as an occupying tenant falling within that sub-paragraph.

(4) A person who has an owner's interest in the building and who has a duty or power to carry out any of the relevant works may also join in a tenants' application for a common parts grant; and where such a person does join in an application, he is in this Chapter referred to as a "participating landlord".

Common parts grants: certificates required to accompany application

47.—(1) The Executive shall not entertain a landlord's application for a common parts grant unless it is accompanied by a certificate signed by the applicant which—

(a) specifies the interest of the applicant in the building, and

(b) certifies that the required proportion of the flats in the building is occupied by occupying tenants.

(2) The Executive shall not entertain a tenants' application for a common parts grant unless it is accompanied by a certificate signed by each of the applicants which—

(a) specifies the interest of each of the applicants in each flat in the building, and

(b) certifies that the required proportion of the flats in the building is occupied by occupying tenants.

Common parts grants: purposes for which grant may be given

48.—(1) The purposes for which an application for a common parts grant may be approved are—

(a) to comply with a notice under Article 41 of the Order of 1981 (repair notices) or otherwise to cause the building to meet the requirements in Article 46(2) of that Order;

(b) to comply with a notice under Article 80 of the Order of 1992 (notice requiring works to render premises fit for the number of occupants) or otherwise to enable the house to meet one or more of the requirements in paragraph (2) of that Article;

(c) to provide adequate facilities for space heating;

(d) to provide satisfactory internal arrangements;

(e) to provide means of escape in case of fire or other fire precautions, not being precautions required under or by virtue of any statutory provision (whenever made);

(f) to ensure that the building complies with such requirements with respect to construction or physical condition as may be specified by the Department;

(g) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the building as are so specified;

(h) any other purpose for the time being specified for the purposes of this Article by order of the Department.

(2) If in the opinion of the Executive the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in paragraph (1), the Executive may, with the consent

of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to it to be necessary for that purpose.

(3) In exercise of the powers conferred by sub-paragraphs (f) and (g) of paragraph (1) the Department may specify requirements generally or for particular cases.

Common parts grants: approval of application

49.—(1) The Executive may approve an application for a common parts grant if it thinks fit, subject to the following provisions.

(2) The Executive shall not approve an application for a common parts grant unless it is satisfied that the works are necessary for one or more of the purposes set out in Article 48(1).

(3) Where the Executive proposes to approve an application for a common parts grant, the Executive shall consider whether the building to which the application relates meets the requirements mentioned in sub-paragraphs (a) to (e) of Article 46(2) of the Order of 1981.

(4) If it appears to the Executive that the building does not meet those requirements, the Executive shall not approve the application unless it is satisfied—

(a) that on completion of the relevant works, together with any other works proposed to be carried out, the building will meet those requirements,

(b) that there are satisfactory financial and other arrangements for carrying out those works, and

(c) that the carrying out of the works is the most satisfactory course of action.

(5) In considering whether to approve an application for a common parts grant the Executive shall have regard to the expected life of the building (taking account, where appropriate, of the effect of carrying out the works).