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DRAFT STATUTORY INSTRUMENTS

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**2003 No.**

**The Housing (Northern Ireland) Order 2003**

**PART III**

**GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING**

**CHAPTER III**

**GROUP REPAIR SCHEMES**

*Conditions as to participation*

**Conditions of participation: general**

**99.**—(1) The following Articles have effect with respect to the conditions of participation in a group repair scheme as an assisted participant.

(2) Except as otherwise provided those conditions have effect for the period of 3 years, or such other period as may be prescribed, beginning with the completion date.

That period is referred to in this Chapter as “the protected period”.

(3) For the purposes of those conditions the “balance of the cost” is the difference between—

- (a) the cost as notified to the participant under the scheme of such of the works specified in the scheme as relate to the premises in which his owner’s interest subsisted, and
- (b) the amount of the contribution in respect of that cost paid by him by virtue of Article 97.

**Condition as to payment of balance of cost on disposal**

**100.**—(1) It is a condition of participation in a group repair scheme as an assisted participant that if, after signifying scheme consent and before the end of the protected period, he makes a relevant disposal (other than an exempt disposal) of the premises in which he had an owner’s interest at the date of the approval of the scheme, he shall pay to the Executive on demand the balance of the cost.

(2) The condition under this Article shall be a statutory charge and binding on any person who is for the time being an owner of the premises concerned; and any amount which is payable under paragraph (1) shall, until recovered, be deemed to be a charge on the premises.

(3) Where the Executive has the right to demand payment as mentioned in paragraph (1), it may determine not to demand payment or to demand a lesser amount.

(4) The condition under this Article shall cease to be in force with respect to any premises if there is a relevant disposal of the premises that is an exempt disposal, other than—

- (a) a disposal within Article 85(1)(a) (disposal to associates of person making disposal), or
- (b) a disposal within Article 85(1)(b) (vesting under will or on intestacy).

### Conditions as to occupation

**101.**—(1) It is a condition of participation in a group repair scheme as an assisted participant—

- (a) where the participant gave an owner-occupation certificate, that throughout the protected period the dwelling is occupied in accordance with the intention stated in the certificate;
- (b) where the participant gave a certificate of intended letting, that throughout the protected period the dwelling is let or available for letting in accordance with the intention stated in the certificate; and
- (c) where the participant gave a certificate of future occupation, that throughout the protected period the house is residentially occupied, or available for residential occupation, in accordance with the intention stated in the certificate.

(2) It is also a condition of participation as an assisted participant that if at any time when any of the above conditions is in force the Executive serves notice on the owner of the dwelling or house requiring him to do so, he will within the period of 21 days beginning on the date on which the notice was served furnish to the Executive a statement showing how that condition is being fulfilled.

(3) A condition under this Article shall be a statutory charge and binding on any person who is for the time being an owner of the dwelling or house; and any amount which is payable under paragraph (4) shall, until recovered, be deemed to be a charge on the dwelling or house.

(4) In the event of a breach of a condition under this Article, the owner for the time being of the dwelling or house shall pay to the Executive on demand the balance of the cost.

(5) The Executive may determine not to make such a demand or may demand a lesser amount.

(6) Any condition under this Article shall cease to be in force with respect to any premises if there is a relevant disposal of the premises which is an exempt disposal other than a disposal within Article 85(1)(a) (disposal to associates of person making disposal).

### Meaning of “relevant disposal” and “exempt disposal”

**102.** Articles 84 and 85 (meaning of “relevant disposal” and “exempt disposal”) apply for the purposes of this Chapter.

### Payment of balance of cost, &c: cessation of conditions

**103.**—(1) If at any time while a condition of participation under Article 100 or 101 remains in force—

- (a) the assisted participant pays the balance of the cost to the Executive,
- (b) a mortgagee of the interest of the assisted participant in the premises being a mortgagee entitled to exercise a power of sale, makes such a payment,
- (c) the Executive determines not to demand payment on the breach of a condition of participation, or
- (d) the Executive demands payment in whole or in part on the breach of a condition of participation and that demand is satisfied,

that condition and any other conditions of participation shall cease to be in force with respect to the premises of that assisted participant.

(2) An amount paid by a mortgagee under paragraph (1)(b) shall be treated as part of the sums secured by the mortgage and may be discharged accordingly.

(3) The purposes authorised for the application of capital money by sections 21 and 63 of the Settled Land Act 1882 (c. 38) include the making of payments under this Article.