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STATUTORY INSTRUMENTS

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**1992 No. 1725**

**The Housing (Northern Ireland) Order 1992**

**PART III**

**GRANTS**

**CHAPTER I**

**GRANTS TOWARDS COST OF IMPROVEMENTS AND REPAIRS, ETC.**

*Approvals, notification and payment*

**Discretionary approval of certain applications**

**53.**—(1) Subject to the preceding provisions of this Chapter, the Executive may approve an application for a grant, other than a common parts grant, in any case where—

- (a) the relevant works go beyond or are other than those which will cause the dwelling to be fit for human habitation, but
- (b) the Executive is satisfied that the relevant works are necessary for one or more of the purposes set out in paragraph (3).

(2) Subject to the preceding provisions of this Chapter, the Executive may approve an application for a common parts grant if the Executive is satisfied that the relevant works—

- (a) are necessary for one or more of the purposes set out in sub-paragraphs (a) and (c) to (f) of paragraph (3); or
- (b) will cause the building to meet the requirements mentioned in sub-paragraphs (a) to (e) of Article 46(2) of the Order of 1981.

(3) The purposes referred to in paragraph (1) are—

- (a) to put the dwelling or building in reasonable repair;
- (b) to provide the dwelling by the conversion of a house or other building;
- (c) to provide adequate facilities for space heating;
- (d) to provide satisfactory internal arrangements;
- (e) to ensure that the dwelling or building complies with such requirements with respect to construction or physical condition as may for the time being be specified by the Department for the purposes of this Article; and
- (f) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the dwelling or building as may for the time being be so specified.

(4) In the case of an application for an HMO grant, any reference in paragraphs (1) and (3) to the dwelling shall be construed as a reference to the house.

(5) In considering whether to approve an application for a grant in exercise of its discretion under paragraph (1) or (2), the Executive shall have regard to the expected life of the building (taking account, where appropriate, of the effect of carrying out the relevant works).

(6) Subject to the preceding provisions of this Chapter, the Executive may approve an application falling within Article 48(1) (in this Article referred to as a “landlord’s application”) if—

(a) the relevant works are for the purpose of rendering the dwelling or house to which the application relates fit for human habitation, or

(b) in the case of an application for an HMO grant, the relevant works are for the purpose of enabling the house in question to meet one or more of the requirements in Article 80(2),

and (in either case) the Executive is satisfied that the relevant works are necessary for the purpose concerned.

(7) If in the opinion of the Executive the relevant works are more or less extensive than is necessary to achieve the result referred to in sub-paragraph (b) of paragraph (2) or any of the purposes set out in paragraph (3), or, as the case may be, the purpose falling within paragraph (6), 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 the Executive to be necessary for that purpose.

(8) In determining what is “reasonable repair”, in relation to a dwelling or building for the purposes of paragraph (3)(a), the Executive—

(a) shall have regard to the age and character of the dwelling or building and the locality in which it is situated; and

(b) shall disregard the state of internal decorative repair.

(9) In the exercise of the powers conferred by sub-paragraphs (e) and (f) of paragraph (3), the Department—

(a) may specify requirements generally or for particular cases; and

(b) may specify different requirements for different areas.