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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.**

*Conditions of grants and repayments*

**Condition as to availability for letting**

**57.**—(1) This Article applies where an application for a renovation grant or a disabled facilities grant, other than an application for a disabled facilities grant in respect of works to the common parts of a building containing flats, has been approved by the Executive and the application for the grant was accompanied by a certificate of intended letting.

(2) It is a condition of the grant that throughout the initial period—

- (a) the dwelling will be let or available for letting as a residence, and not for a holiday, by the owner for the time being of the dwelling to a person who is not connected with him, or
- (b) the dwelling will be occupied or available for occupation by an approved worker, that is to say, a worker on a farm which is certified by the Department of Agriculture to be of such a nature and extent as to provide full-time employment for a worker in agricultural operations on the farm.

(3) For the purposes of paragraph (2), a person is connected with the owner for the time being of a dwelling if,—

- (a) in a case where personal representatives or trustees are the owner, he is a person who under the will or intestacy or, as the case may be, under the terms of the trust concerned is beneficially entitled to an interest in the dwelling or to the proceeds of sale of the dwelling;
- (b) in a case where the owner has a life estate in the dwelling, he is entitled in remainder or reversion; and
- (c) in any other case, he is a member of the family of the owner.

(4) It is also a condition of the grant—

- (a) that if, at any time within the initial period, the Executive serves notice on the owner of the dwelling 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 the condition in paragraph (2) is being fulfilled; and
- (b) that, if required to do so by the owner of the dwelling, any tenant of the dwelling will furnish the owner with such information as he may reasonably require to enable him to comply with a notice served under sub-paragraph (a).

- (5) Any condition under paragraph (2) or (4)—
  - (a) shall be included among the matters required to be registered in the Statutory Charges Register; and
  - (b) shall, subject to paragraph (9) and Article 63 remain in force with respect to the dwelling for a period of 5 years from the certified date.
- (6) So long as a condition under paragraph (2) or (4) remains in force with respect to a dwelling—
  - (a) it is binding on any person, other than the Executive or registered housing association, who is for the time being the owner of the dwelling; and
  - (b) it is enforceable against all other persons having an interest in the dwelling as if it were a condition of the terms of every tenancy of, or of property including, the dwelling.
- (7) In the event of a breach of a condition under paragraph (2) or (4), the Executive may demand that the owner for the time being of the dwelling pay a sum equal to the amount of the grant less so much (if any) of it as has already been repaid under Article 58, together with compound interest on that sum as from the certified date, calculated at such reasonable rate as the Executive may determine and with yearly rests.
- (8) The Executive may determine not to make such a demand or may demand a lesser amount.
- (9) On satisfaction of the liability arising from a demand under this Article, the conditions under paragraphs (2) and (4) and paragraph (2) of Article 58 shall cease to be in force with respect to the dwelling in question.