
STATUTORY INSTRUMENTS

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 requiring repayment of a grant in case of certain disposals where owner-occupation certificate given

59.—(1) This Article applies where an application for a renovation grant has been approved by the Executive and the application for the grant was accompanied by an owner-occupation certificate.

(2) It is a condition of the grant that, where an owner makes a relevant disposal (other than an exempt disposal) of the dwelling within the period of 3 years beginning on the certified date, he shall pay to the Executive on demand the amount of the grant, reduced by one-third for each complete year which has elapsed after the certified date and before the disposal.

(3) A condition under paragraph (2)—

- (a) shall be included among the matters required to be registered in the Statutory Charges Register; and
- (b) shall subject to paragraphs (5) to (7) and Article 63, remain in force with respect to the dwelling for a period of 3 years from the certified date.

(4) So long as a condition under paragraph (2) remains in force with respect to a dwelling it is binding on any person who is for the time being an owner of the dwelling.

(5) In any case where—

- (a) there is a relevant disposal of the dwelling concerned which is an exempt disposal; or
- (b) there is a relevant disposal of the dwelling concerned (not being an exempt disposal) for no consideration or for consideration of an amount less than that either prescribed, or calculated in accordance with a formula prescribed, by regulations made by the Department;

any condition under paragraph (2) shall cease to be in force with respect to the dwelling.

(6) On satisfaction of the liability arising from a demand under this Article, any condition under paragraph (2) shall cease to be in force with respect to the dwelling in question.

(7) In any case where—

- (a) within the period referred to in paragraph (2) an owner makes a relevant disposal of the dwelling concerned (not being an exempt disposal), and

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- (b) the Executive is satisfied that he is elderly or infirm and is making the disposal with the intention of going to live in sheltered housing or a residential care home as his only or main residence,

the Executive may determine not to make any demand under paragraph (2) and, on the making of such a determination, any condition under that paragraph shall cease to be in force with respect to the dwelling.

(8) The expressions “relevant disposal” and “exempt disposal” have the meanings assigned by Article 62.