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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*

**Meaning of relevant disposal and exempt disposal for the purposes of Articles 58 to 61**

**62.**—(1) A disposal, whether of the whole or part of the dwelling, is a relevant disposal for the purposes of Articles 58 to 61 if it is—

- (a) a conveyance of a freehold estate or an assignment of the lease, or
  - (b) the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent.
- (2) For the purposes of paragraph (1)(b) it shall be assumed—
- (a) that any option to renew or extend a lease or sub-lease, whether or not forming part of a series of options, is exercised, and
  - (b) that any option to terminate a lease or sub-lease is not exercised.
- (3) A disposal is an exempt disposal for the purposes of Articles 58 to 61 if it is—
- (a) a disposal of the whole of the dwelling and a conveyance of a freehold estate or an assignment of the lease and the person or each of the persons to whom it is made is a qualifying person as defined in paragraph (4);
  - (b) a vesting of the whole of the dwelling in a person taking under a will or on an intestacy;
  - (c) a disposal of the whole of the dwelling in pursuance of an order (not being an order for sale) made under Article 26(1) of the Matrimonial Causes (Northern Ireland) Order 1978<sup>(1)</sup> (property adjustment orders in connection with matrimonial proceedings) or Article 4 of the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979<sup>(2)</sup> (orders as to financial provision to be made from estate);
  - (d) a compulsory disposal, that is to say, a disposal to a person who has made or who would have made, or for whom another person has made or would have made, a vesting order authorising its acquisition compulsorily for the purposes for which it is acquired;
  - (e) a disposal of property consisting of land included in the dwelling and used for the purposes of the dwelling; or

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(1) 1978 NI 15

(2) 1979 NI 8

- (f) a disposal under which the interest of a person entitled to assistance by way of repurchase under Part II of the Order of 1986 (assistance for owners of defective housing) is acquired in accordance with Schedule 2 to that Order.
  - (4) A person is a qualifying person for the purposes of paragraph (3)(a) if—
    - (a) in the case of an individual, he is—
      - (i) the person, or one of the persons, by whom the disposal is made;
      - (ii) the spouse, or former spouse, of that person or one of those persons; or
      - (iii) a member of the family of that person or one of those persons; or
    - (b) in the case of a company, it is an associated company of the company by whom the disposal is made;
- and, for the purposes of sub-paragraph (b), section 416 of the Income and Corporation Taxes Act 1988(3) (meaning of associated company) shall apply in determining whether a company is an associated company of another.
- (5) For the purposes of Articles 58 to 61, the grant of an option enabling a person to call for a relevant disposal which is not an exempt disposal shall be treated as such a disposal made to him.