

SCHEDULES

SCHEDULE 3

Article 74(3).

PROVISIONS WITH RESPECT TO REPAIRS GRANTS UNDER ARTICLE 74

1.—(1) No repairs grant shall be paid by the Executive unless an application is made to it in accordance with this Schedule by the person to whom the grant is payable.

(2) An application for a repairs grant shall—

- (a) specify the premises to which the application relates;
- (b) contain particulars of the works in respect of which the grant is sought (in this Schedule referred to as “the relevant works”) and an estimate of their cost; and
- (c) contain such other particulars as may for the time being be specified to the Executive by the Department.

2.—(1) Subject to paragraphs (2) to (4), the Executive shall not approve an application for a repairs grant unless the Executive is satisfied that on completion of the relevant works the dwelling-house will attain the relevant standard of repair.

(2) Without prejudice to the discretion of the Executive to approve or decline to approve an application for a repairs grant, if, in the opinion of the Executive, the relevant works are more extensive than is necessary for the purpose of securing that the dwelling-house will attain the relevant standard of repair, the Executive may, with the consent of the applicant, treat the application as varied so that the relevant works include only such works as seem to the Executive to be necessary for that purpose, and may approve the application as so varied.

(3) Where the Executive is of the opinion—

- (a) that the dwelling-house may be demolished within the period of 5 years from the date on which it received the application for the repairs grant; or
- (b) that, notwithstanding that the relevant works are completed, the dwelling-house will, within that period become unfit for human habitation and will, at the expiration of that period, be incapable of being rendered fit at reasonable expense,

the Executive may dispense with the condition in paragraph (1).

(4) In determining for the purposes of this paragraph whether a dwelling-house meets the relevant standard of repair, regard shall be had to the repairing conditions (within the meaning of Article 46 of the Rent (Northern Ireland) Order 1978(1)) or, as the case may be, to the requirements of the notice served under section 110 of the Public Health (Ireland) Act 1878(2) in relation to the dwelling-house.

3.—(1) Where the Executive approves an application for a repairs grant, it shall determine the amount of the expense (in this Schedule referred to as “the eligible expense”) which in its opinion is proper to be incurred for the execution of the relevant works and shall notify the applicant of that amount.

(1) 1978 NI 20

(2) 1878 c. 52

Status: This is the original version (as it was originally made).

(2) If the applicant satisfies the Executive that the relevant works cannot be or could not have been carried out without the carrying out of additional works and that this could not have been reasonably foreseen at the time the application was made, the Executive may determine a higher amount under paragraph (1).

(3) Except in a case or description of case in respect of which the Department approves a higher eligible expense, the eligible expense for the purposes of a repairs grant shall be so much of the amount determined under paragraph (1) as does not exceed £5,500 or such other amount as the Department may by order specify.

(4) The amount of a repairs grant shall be such as may be fixed by the Executive when it approves the application for the grant but, subject to paragraph (5), shall not exceed the appropriate percentage of the eligible expense and, together with the notification under paragraph (1), the Executive shall send to the applicant a notification of the amount of the grant.

(5) In any case where, after the amount of a repairs grant has been notified to the applicant under paragraph (4), the Executive, in exercise of its powers under paragraph (2), determines a higher amount under paragraph (1), the eligible expense shall be re-calculated under paragraph (3), and if, on that re-calculation, the amount of the eligible expense is greater than it was at the time when the application was approved—

- (a) the amount of the repairs grant shall be increased accordingly; and
- (b) the Executive shall notify the applicant of the increased amount of the grant.

4.—(1) In this Schedule “the appropriate percentage” (which is relevant for determining the grant or the maximum amount of grant) shall, in relation to an application for a repairs grant, be the percentage applicable to that application in accordance with the following provisions of this paragraph.

(2) The appropriate percentage shall be—

- (a) where the application is in respect of a dwelling-house which is subject to a protected or statutory tenancy under the Rent (Northern Ireland) Order 1978⁽³⁾, 90%;
- (b) where it appears to the Executive that the applicant would not without undue hardship be able to finance so much of the cost of relevant works as is not met by the grant, 90%;
- (c) where the net annual value of the house to which the application relates, other than a house in respect of which a district council has issued a regulated rent certificate under Article 9 of the Rent (Northern Ireland) Order 1978, is less than £60, 100%;
- (d) in any other case, 75%.

(3) The Department may by order, made with the approval of the Department of Finance and Personnel, modify paragraph (2) in such manner as it thinks fit.

5. If the Executive—

- (a) does not approve an application for a repairs grant, or
- (b) fixes the amount of the grant at less than the appropriate percentage of the eligible expense,

it shall state in writing to the applicant its reasons for doing so.

(3) 1978 NI 20