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STATUTORY INSTRUMENTS

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**2003 No. 412**

**The Housing (Northern Ireland) Order 2003**

**PART III**

**GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING**

**CHAPTER II**

**THE MAIN GRANTS**

*Disabled facilities grants*

**Disabled facilities grants: owner's and tenant's applications**

**50.**—(1) The Executive shall not entertain an application for a disabled facilities grant unless it is satisfied—

- (a) that the applicant has, or proposes to acquire, an owner's interest in every parcel of land on which the relevant works are to be carried out, or
- (b) that the applicant is a tenant (alone or jointly with others)—
  - (i) in the case of an application in respect of works to a dwelling, of the dwelling, or
  - (ii) in the case of a common parts application, of a flat in the building,and, in either case, does not have or propose to acquire such an owner's interest as is mentioned in sub-paragraph (a).

(2) References in this Chapter to an "owner's application" or a "tenant's application", in relation to a disabled facilities grant, shall be construed accordingly.

(3) In accordance with directions given by the Department, the Executive may treat the condition in paragraph (1)(a) as met by a person who has, or proposes to acquire, an owner's interest in only part of the land concerned.

(4) In this Chapter, in relation to an application for a disabled facilities grant—

- (a) "qualifying owner's interest" means an owner's interest meeting the condition in paragraph (1)(a) or treated by virtue of paragraph (3) as meeting that condition; and
- (b) "qualifying tenant" means a tenant who meets the conditions in paragraph (1)(b).

(5) In this Chapter "tenant", in relation to a disabled facilities grant, includes—

- (a) a person who has a protected tenancy or statutory tenancy,
- (b) an employee (whether full-time or part-time) who occupies the dwelling or flat concerned for the better performance of his duties, and
- (c) a person having a licence to occupy the dwelling or flat concerned which satisfies such conditions as may be specified by order of the Department,

and other expressions relating to tenancies, in the context of an application for a disabled facilities grant, shall be construed accordingly.

**Disabled facilities grants: the disabled occupant**

51. In this Chapter the “disabled occupant”, in relation to an application for a disabled facilities grant, means the disabled person for whose benefit it is proposed to carry out any of the relevant works.

**Disabled facilities grants: certificate required in case of owner’s application**

52.—(1) The Executive shall not entertain an owner’s application for a disabled facilities grant unless it is accompanied by an owner’s certificate in respect of the dwelling to which the application relates or, in the case of a common parts application, in respect of each flat in the building occupied or proposed to be occupied by a disabled occupant.

(2) An “owner’s certificate”, for the purposes of an application for a disabled facilities grant, certifies that the applicant—

- (a) has or proposes to acquire a qualifying owner’s interest, and
- (b) intends that the disabled occupant will live in the dwelling or flat as his only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.

**Disabled facilities grants: certificates required in case of tenant’s application**

53.—(1) The Executive shall not entertain a tenant’s application for a disabled facilities grant unless it is accompanied by a tenant’s certificate.

(2) A “tenant’s certificate”, for the purposes of an application for a disabled facilities grant, certifies—

- (a) that the application is a tenant’s application, and
- (b) that the applicant intends that he (if he is the disabled occupant) or the disabled occupant will live in the dwelling or flat as his only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.

(3) Except where the Executive considers it unreasonable in the circumstances to seek such a certificate, the Executive shall not entertain a tenant’s application for a disabled facilities grant unless it is also accompanied by an owner’s certificate from the person who at the time of the application is the landlord under the tenancy.

**Disabled facilities grants: purposes for which grant must or may be given**

54.—(1) The purposes for which an application for a disabled facilities grant must be approved, subject to the provisions of this Chapter, are the following—

- (a) facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated;
- (b) making the dwelling or building safe for the disabled occupant and other persons residing with him;
- (c) facilitating access by the disabled occupant to a room used or usable as the principal family room;
- (d) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;
- (e) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility;

- (f) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility;
- (g) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a washhand basin, or facilitating the use by the disabled occupant of such a facility;
- (h) facilitating the preparation and cooking of food by the disabled occupant;
- (i) improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating system in the dwelling or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs;
- (j) facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control;
- (k) facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident in the dwelling and is in need of such care;
- (l) such other purposes as may be specified by order of the Department.

(2) An application for a disabled facilities grant may be approved, subject to the provisions of this Chapter, for the purpose of making the dwelling or building suitable for the accommodation, welfare or employment of the disabled occupant in any other respect.

(3) If in the opinion of the Executive the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in paragraph (1) or the purpose mentioned in paragraph (2), it 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.

### **Disabled facilities grants: approval of application**

**55.**—(1) The Executive—

- (a) shall approve an application for a disabled facilities grant for purposes within Article 54(1), and
- (b) may if it thinks fit approve an application for a disabled facilities grant not for a purpose within that provision but for the purpose specified in Article 54(2),

subject to the following provisions.

(2) Where the Executive entertains an owner's application for a disabled facilities grant made by a person who proposes to acquire a qualifying owner's interest, it shall not approve the application until it is satisfied that he has done so.

(3) The Executive shall not approve an application for a disabled facilities grant unless it is satisfied—

- (a) that the relevant works are necessary and appropriate to meet the needs of the disabled occupant, and
- (b) that it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling or building.

In considering the matters mentioned in sub-paragraph (a) the Executive shall consult the relevant authority, unless the relevant works are of such a kind as may be agreed between the Executive and the authority.

(4) Where the Executive proposes to approve an application for a disabled facilities grant it shall consider—

- (a) in the case of an application in respect of works to a dwelling, whether the dwelling is fit for human habitation;
- (b) in the case of a common parts application, whether the building meets the requirements in Article 46(2) of the Order of 1981;

and the Executive shall take that into account in deciding whether it is reasonable and practicable to carry out the relevant works.

(5) The Executive shall not approve a common parts application for a disabled facilities grant unless it is satisfied that the applicant has a power or is under a duty to carry out the relevant works.