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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**

*Restrictions on grant aid*

**Restriction on grants for works already begun**

**60.**—(1) Subject as follows, the Executive shall not approve an application for a grant if the relevant works have been begun before the application is approved.

(2) Where the relevant works have been begun but have not been completed, the Executive may approve the application for a grant if it is satisfied that there were good reasons for beginning the works before the application was approved.

(3) Where the Executive decides to approve an application in accordance with paragraph (2), it may, with the consent of the applicant, treat the application as varied so that the relevant works do not include any that are completed.

But in determining for the purposes of the application the physical condition of the dwelling, common parts or house or other building concerned, the Executive shall consider the condition of the premises at the date of the application.

(4) Subject as follows, the Executive shall not approve an application for a grant if the relevant works have been completed.

(5) Nothing in this Article applies to an application for a grant in respect of works necessary—

- (a) to render a dwelling fit for human habitation or to comply with a notice under Article 41 of the Order of 1981 (repair notices), or
- (b) to enable a house in multiple occupation to meet one or more of the requirements in Article 80(2) of the Order of 1992 (fitness for the number of occupants) or to comply with a notice under that Article.

(6) If the Executive considers that the relevant works include works in addition to those necessary for the purposes mentioned in paragraph (5)(a) or (b), the Executive shall treat the application as an application to which this Article applies so far as it relates to those additional works.

**Means testing in case of application by owner-occupier or tenant**

**61.**—(1) This Article applies—

- (a) to an application for a renovation grant which is—
  - (i) an owner's application accompanied by an owner-occupation certificate, or

(ii) a tenant’s application; and

(b) to any application for a disabled facilities grant.

(2) An owner’s application for a renovation grant shall be treated as falling within this Article if it is a conversion application for the provision of 2 or more dwellings and any of the certificates accompanying the application is an owner-occupation certificate.

(3) If in the case of an application for a renovation grant to which this Article applies the financial resources of the applicant exceed the applicable amount, the amount of any grant which may be paid shall, in accordance with regulations, be reduced from what it would otherwise have been.

(4) If in the case of an application for a disabled facilities grant the financial resources of any person of a description specified by regulations exceed the applicable amount, the amount of any grant which may be paid shall, in accordance with regulations, be reduced from what it would otherwise have been.

(5) Provision may be made by regulations—

(a) for the determination of the amount which is to be taken to be the financial resources of any person, and

(b) for the determination of the applicable amount referred to in paragraph (3) or (4), and

(c) as to the circumstances in which the financial resources of a person are to be assumed (by reason of his receiving a prescribed benefit or otherwise) not to exceed the applicable amount.

(6) Regulations may, in particular—

(a) make provision for account to be taken of the income, assets, needs and outgoings not only of the person himself but also of his spouse, any person living with him or intending to live with him and any person on whom he is dependent or who is dependent on him;

(b) make provision for amounts specified in or determined under the regulations to be taken into account for particular purposes.

(7) Regulations may apply for the purposes of this Article, subject to such modifications as may be prescribed, any other statutory means-testing regime as it has effect from time to time.

(8) Regulations may make provision requiring any information or evidence needed for the determination of any matter under this Article to be furnished by such person as may be prescribed.

(9) In this Article “regulations” means regulations made by the Department.

### **Determination of amount of grant in case of landlord’s application**

**62.**—(1) This Article applies to—

(a) an owner’s application for a renovation grant which is accompanied by a certificate of intended letting (not being an application which falls within Article 61: see paragraph (2) of that Article),

(b) a landlord’s application for a common parts grant,

(c) a landlord’s application for a disabled facilities grant, and

(d) any application for an HMO grant.

(2) The reference in paragraph (1)(c) to a landlord’s application for a disabled facilities grant is to an owner’s application in respect of works to a dwelling which is or is intended to be let, or to the common parts of a building in which a flat is or is intended to be let.

(3) The amount of the grant (if any) shall be determined by the Executive, having regard to—

(a) the extent to which the landlord is able to charge a higher rent for the premises because of the works, or

(b) such other matters as the Department may direct.

(4) The Executive may, if it thinks it appropriate, seek and act upon the advice of suitably qualified persons as to any matter arising under this Article.

(5) The Department may by regulations make provision requiring any information or evidence needed for the determination of any matter under this Article to be furnished by such person as may be prescribed.

### **Apportionment in case of tenants' application for common parts grant**

**63.**—(1) This Article applies where the Executive approves a tenants' application for a common parts grant.

(2) The Executive shall decide how much of the cost of the relevant works is attributable to the applicants (“the attributable cost”).

(3) For the purposes of this Article the attributable cost is an amount equal to the following proportion of the cost of the relevant works—

(a) if it can be ascertained, the proportion that the aggregate of the respective liabilities of each of the applicants to carry out or contribute to the carrying out of the relevant works bears to the aggregate of all such liabilities on the part of all persons (including the applicants) so liable; or

(b) if the proportion mentioned in sub-paragraph (a) cannot be ascertained, the proportion that the number of applicants bears to the number of persons (including the applicants) liable to carry out or contribute to the carrying out of works to the building.

(4) The Executive shall then apportion the attributable cost to each of the applicants—

(a) in a case where the attributable cost is calculated by reference to the proportion mentioned in paragraph (3)(a), according to the proportion that his liabilities to carry out or contribute to the carrying out of the relevant works bears to the aggregate of the applicants' liabilities mentioned in that paragraph; or

(b) in a case where the attributable cost is calculated by reference to the proportion mentioned in paragraph (3)(b), equally.

(5) The amount of the grant payable shall be the aggregate of the grants that would be payable to each of the applicants under Article 61 or, in the case of a participating landlord, under Article 62 if each of the applicants was an individual applicant in respect of his portion of the attributable cost.

(6) Where the interest of an occupying tenant is held jointly by 2 or more persons, those persons shall be regarded as a single person for the purposes of this Article.

### **Power to specify maximum amount of grant**

**64.**—(1) The Department may, if it thinks fit, by order specify a maximum amount or a formula for calculating a maximum amount of grant which the Executive may pay in respect of an application for a grant.

(2) An order under this Article may make provision for different types of grant or for the same type of grant in different circumstances.

(3) In relation to an application for a grant in respect of works for any of the purposes in Article 54(1) (mandatory disabled facilities grant), the order may—

(a) provide for a maximum amount of grant which must be paid if the application is approved, and

- (b) authorise the Executive, if it thinks fit, to pay a further amount in excess of that maximum but subject to such other maximum (if any) as may be specified in or determined in accordance with the order.
- (4) The Executive may not, except as mentioned in paragraph (3), pay an amount of grant in excess of a specified maximum amount.