
STATUTORY INSTRUMENTS

2003 No. 412

The Housing (Northern Ireland) Order 2003

PART III

GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING

CHAPTER III

GROUP REPAIR SCHEMES

Participation in group repair scheme

Persons eligible to participate in group repair scheme

94.—(1) A person is eligible to participate in a group repair scheme if at the date of the approval of the scheme—

- (a) he has an owner's interest in a dwelling or other premises comprised in a building to which the scheme relates, and
- (b) as respects the dwelling or other premises in which he has an owner's interest he either—
 - (i) is able to give possession of any part of the building to which scheme works are proposed to be carried out, or
 - (ii) has the consent of the occupier of that part to the carrying out of those works.

In the case of a scheme not submitted for specific approval, the date of approval shall be taken to be the date on which the Executive decides that the scheme fulfils the criteria for general approval.

(2) A person eligible to participate in a group repair scheme may participate as an assisted participant—

- (a) if the owner's interest which he has is an interest in a dwelling and he gives an owner-occupation certificate or a certificate of intended letting, or
- (b) if the owner's interest which he has is an interest in a house in multiple occupation and he gives a certificate of future occupation.

This paragraph is subject to the exceptions specified in paragraph (7) or (8), or by order under paragraph (9).

(3) An "owner-occupation certificate" certifies that the person concerned—

- (a) has an owner's interest in the dwelling, and
- (b) intends that throughout the protected period he, or a member of his family, will live in the dwelling, as his (or that member's) only or main residence.

(4) A "certificate of intended letting" certifies that the person concerned—

- (a) has an owner's interest in the dwelling, and
- (b) intends that throughout the protected period the dwelling will be let or available for letting as a residence and not for a holiday to someone other than a member of his family.

In sub-paragraph (b) “letting” does not include letting on a long tenancy.

(5) In paragraph (4) references to letting include the grant of a licence to occupy premises.

References in this Chapter to tenants, and other expressions relating to tenancies, in the context of a certificate of intended letting, shall be construed accordingly.

(6) A “certificate of future occupation” certifies that the person concerned—

(a) has an owner’s interest in the house, and

(b) intends that throughout the protected period the house or a part of it (specified in the certificate) will be residentially occupied, or available for residential occupation, under tenancies or licences by persons who are not connected with the owner for the time being of the house.

In sub-paragraph (b) “residential occupation” does not include occupation for a holiday and “tenancies” does not include a long tenancy.

(7) A registered housing association, which has an owner’s interest in a dwelling or other premises comprised in a building to which a group repair scheme relates, is eligible to participate in the scheme, but only as an unassisted participant.

(8) The Executive may participate in a group repair scheme by including in the scheme a dwelling or other premises comprised in a building in which it has an owner’s interest.

(9) The Department may by order exclude any person from participating in a group repair scheme as an assisted participant.

(10) An order under paragraph (9) may proceed wholly or in part by reference to the provisions relating to entitlement to housing benefit, or any other form of assistance, as they have effect from time to time.

(11) A person eligible to participate in a group repair scheme who is unable to participate as an assisted participant may participate as an unassisted participant.

Scheme consent and restriction on works

95.—(1) The persons who are eligible to participate in a group repair scheme do so by signifying consent (“scheme consent”), in accordance with the terms of the scheme, to the proposals to carry out the works specified in the scheme.

(2) No scheme works shall be carried out to a part of a building which consists of premises in respect of which no person eligible to participate has signified scheme consent, except as mentioned below.

(3) The restriction in paragraph (2) does not apply to works carried out to premises in respect of which there is no person (or no ascertainable person) eligible to participate in the scheme.

(4) The restriction in paragraph (2) does not apply to works—

(a) which are carried out to premises in respect of which the person eligible to participate consents to their being carried out but has not signified scheme consent (and, accordingly, is not liable to contribute), and

(b) which it is necessary to carry out in order satisfactorily to carry out any works specified in the scheme to another part of the same building in respect of which a person eligible to participate has signified scheme consent.

Certificate of completion date

96.—(1) When the works specified in a group repair scheme are completed, the Executive shall send to each assisted participant a certificate specifying the date on which the works were completed to the Executive’s satisfaction.

(2) In this Chapter that date is referred to as “the completion date”.

Contributions by participants

97.—(1) The participants in a group repair scheme are liable to contribute to the cost, as notified to them under the scheme, of scheme works relating to the premises in which they have an interest, at a rate determined in accordance with this Article.

(2) The cost of the works shall be apportioned between the several buildings and premises in such way as may be agreed between the participants with owner’s interests in them or, in default of agreement, equally.

(3) In the case of an unassisted participant, the rate of contribution shall be 100 per cent.

(4) In the case of an assisted participant the rate of contribution is a percentage determined by the Executive, not exceeding—

- (a) 25 per cent. where the building is in a housing action area; and
- (b) 50 per cent. in any other case.

The Department may by order amend sub-paragraph (a) or sub-paragraph (b) so as to specify a different percentage.

(5) In making its determination the Executive shall have regard to the way in which—

- (a) Article 61 (means-testing in case of application by owner-occupier or tenant), or
- (b) Article 62 (determination of amount of grant in case of landlord’s application),

would apply if he were an applicant for a renovation grant or, as the case may require, an HMO grant.

(6) The Executive shall also have regard to any guidance given by the Department for the purposes of this Article.