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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 IV**

**HOME REPAIR ASSISTANCE**

**Interpretation of Chapter IV**

**105.** In this Chapter “home repair assistance” shall be construed in accordance with Article 106(1).

**Home repair assistance**

**106.**—(1) The Executive may, on application being made to it, give assistance under this Chapter (“home repair assistance”) in the form of a grant or the provision of materials for the carrying out of works of repair, improvement or adaptation to a dwelling.

(2) The Department may by order make provision as to the total amount or value of home repair assistance that may be given—

- (a) on any one application, or
  - (b) in respect of the same dwelling in any period of 3 years.
- (3) Home repair assistance shall not be given in respect of works—
- (a) for which a grant under Chapter II has been approved or in respect of which an application for a grant is pending, or
  - (b) which are specified in a group repair scheme approved under Chapter III or prepared and awaiting the approval of the Department.

**Entitlement to home repair assistance**

**107.**—(1) Subject to the following provisions of this Article, the Executive shall not entertain an application for home repair assistance unless it is satisfied—

- (a) that the applicant is aged 18 or over on the date of the application,
- (b) that he lives in the dwelling as his only or main residence,
- (c) that he has an owner’s interest in the dwelling, or is a tenant of the dwelling, alone or jointly with others, and
- (d) that he has a duty or power to carry out the works in question.

(2) In the case of an application in respect of works to adapt a dwelling to enable an elderly or infirm person to be cared for, the condition in paragraph (1)(b) shall be treated as met if the elderly

or infirm person (whether or not the applicant) lives or proposes to live in the dwelling as his only or main residence.

- (3) For the purposes of the condition in paragraph (1)(c) “tenant” 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.
- (4) For the purposes of the condition in paragraph (1)(c) “tenant” does not include—
- (a) a person who is a tenant of a dwelling-house at a time when the estate of the landlord under the tenancy belongs to—
    - (i) the Crown (whether in right of Her Majesty’s Government in the United Kingdom or in Northern Ireland),
    - (ii) a government department (including a department of the Government of the United Kingdom),
    - (iii) the Executive, or
    - (iv) a registered housing association; or
  - (b) a person of such other description as the Department may prescribe.
- (5) An application may be made by a person who does not satisfy the condition in paragraph (1)(c) but who occupies the dwelling under a right of exclusive occupation granted for his life or for a period of more than 5 years.

#### **Assistance in respect of mobile homes**

**108.**—(1) Subject to the following provisions of this Article, Articles 106 and 107 (home repair assistance) apply in relation to a mobile home as in relation to a dwelling.

(2) For the purposes of those Articles as they apply in relation to a mobile home, any person lawfully in occupation of the mobile home shall be treated as a person with an owner’s interest in or a tenant of a dwelling.

(3) In this Article “mobile home” means a caravan within the meaning of section 25(1) of the Caravans Act (Northern Ireland) 1963 (c. 17) which is a dwelling-house for the purposes of the [Rates \(Northern Ireland\) Order 1977 \(NI 28\)](#).

#### **Power to make further provision by regulations**

- 109.**—(1) The Department may by regulations make provision as to—
- (a) the manner of making an application for home repair assistance and the contents of such an application;
  - (b) the procedure for dealing with applications for home repair assistance and for ensuring that works are carried out to any standard specified in the regulations;
  - (c) the way in which the amount of home repair assistance to be given on any application is to be determined, and
  - (d) the taking into account (in such manner and to such extent as may be prescribed) of the financial circumstances of the applicant.

(2) The Department may by regulations make provision extending or restricting the availability of home repair assistance, by reference to such description of persons, circumstances or other factors as the Department thinks fit.

(3) Regulations under paragraph (2) 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.