
DRAFT STATUTORY INSTRUMENTS

2003 No.

The Housing (Northern Ireland) Order 2003

PART III

GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING

CHAPTER II

THE MAIN GRANTS

Payment of grants

Applicant ceasing to be entitled before payment of grant

71.—(1) This Article applies where an application for a grant is approved but before the certified date the applicant ceases to be a person entitled to a grant of that description.

In the case of a joint application this Article does not apply unless all the applicants cease to be so entitled.

(2) Where this Article applies—

- (a) in the case of a renovation grant, disabled facilities grant or HMO grant, no grant shall be paid or, as the case may be, no further instalments shall be paid, and
- (b) in the case of a common parts grant approved on a landlord's application, the Executive may refuse to pay the grant or any further instalment;

and the Executive may demand that any instalment of the grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the Executive may determine.

(3) For the purposes of this Article an applicant ceases to be a person entitled to a renovation grant—

- (a) in the case of an owner's application—
 - (i) if he ceases to have a qualifying owner's interest, or
 - (ii) if he ceases to have the intention specified in the owner-occupation certificate or certificate of intended letting which accompanied the application;
- (b) in the case of a tenant's application—
 - (i) if he ceases to be a qualifying tenant of the dwelling, or
 - (ii) if the application was accompanied by a certificate of intended letting and the landlord ceases to have the intention specified in the certificate; or
- (c) if the application was approved under Article 44(5) (approval of grant in respect of works to unfit premises) and the Executive ceases to be satisfied of the matters mentioned in that provision.

(4) For the purposes of this Article an applicant ceases to be a person entitled to a disabled facilities grant—

- (a) in the case of an owner’s application—
 - (i) if he ceases to have a qualifying owner’s interest, or
 - (ii) if he ceases to have the intention specified in the owner’s certificate which accompanied the application;
- (b) in the case of a tenant’s application—
 - (i) if he ceases to be a qualifying tenant of the dwelling, or
 - (ii) if the application was accompanied by an owner’s certificate and the landlord ceases to have the intention specified in the certificate.

But if the case falls within Article 72 (change of circumstances affecting disabled occupant), the Executive shall act under that Article.

(5) For the purposes of this Article an applicant ceases to be a person entitled to an HMO grant—

- (a) if he ceases to have a qualifying owner’s interest in the house;
- (b) if he ceases to have the intention specified in the certificate of future occupation which accompanied the application;
- (c) if the application was approved under Article 59(5) (approval of grant in respect of works to unfit premises) and the Executive ceases to be satisfied of the matters mentioned in that provision.

(6) For the purposes of this Article an applicant whose application is a landlord’s application for a common parts grant ceases to be a person entitled to a grant—

- (a) if he ceases to have an owner’s interest in the building;
- (b) if he ceases to have a duty or power to carry out the relevant works; or
- (c) if the application was approved under Article 49(4) (approval of grant in respect of works to unfit premises) and the Executive ceases to be satisfied of the matters mentioned in that provision.

(7) This Article has effect subject to Article 87 (provisions relating to death of applicant).