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DRAFT STATUTORY INSTRUMENTS

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**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*

**Repayment where applicant not entitled to grant**

**74.**—(1) This Article applies where an application for a grant is approved but it subsequently appears to the Executive that the applicant (or, in the case of a joint application, any of the applicants) was not, at the time the application was approved, entitled to a grant of that description.

(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 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 is not entitled to a renovation grant—

- (a) in the case of an owner's application if—
  - (i) he does not have a qualifying owner's interest, or
  - (ii) he does not have the intention specified in the owner-occupation certificate or certificate of intended letting which accompanied the application; or
- (b) in the case of a tenant's application if—

- (i) he is not a qualifying tenant of the dwelling, or
- (ii) if the application was accompanied by a certificate of intended letting and the landlord does not have the intention specified in the certificate.

(4) For the purposes of this Article an applicant is not entitled to a disabled facilities grant—

- (a) in the case of an owner's application—
  - (i) if he does not have a qualifying owner's interest, or
  - (ii) if he does not have the intention specified in the owner's certificate which accompanied the application; or
- (b) in the case of a tenant's application—

- (i) if he is not a qualifying tenant of the dwelling, or
  - (ii) if the application was accompanied by an owner's certificate and the landlord does not have the intention specified in the certificate.
- (5) For the purposes of this Article an applicant is not entitled to an HMO grant—
- (a) if he does not have a qualifying owner's interest in the house; or
  - (b) if he does not have the intention specified in the certificate of future occupation which accompanied the application.
- (6) For the purposes of this Article an applicant whose application is a landlord's application for a common parts grant is not entitled to a grant—
- (a) if he does not have an owner's interest in the building; or
  - (b) if he does not have a duty or power to carry out the relevant works.