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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 I**

**INTRODUCTORY**

*Interpretation*

**Meaning of “reasonable repair”**

**29.** In determining for the purposes of this Part what is “reasonable repair”, in relation to a dwelling, house or building, the Executive—

- (a) shall have regard to the age and character of the dwelling, house or building and the locality in which it is situated, and
- (b) shall disregard the state of internal decorative repair.

**Fitness for human habitation**

**30.**—(1) Article 46 of the Order of 1981 (fitness for human habitation) applies for the purposes of this Part as it applies for the purposes of that Order.

(2) In deciding whether it is satisfied that the carrying out of the relevant works is the most satisfactory course of action in a case where the house or dwelling concerned is unfit for human habitation, the Executive shall have regard to any guidance given under Article 46A of the Order of 1981 and Article 115.

For that purpose the Executive shall treat any guidance given in respect of the serving of a repair notice under Article 41(1) of the Order of 1981 as guidance given in respect of the completion of the relevant works.

**Meaning of “connected persons”**

**31.** For the purposes of this Part a person is connected with the owner for the time being of a dwelling if—

- (a) in a case where personal representatives or trustees are the owner, he is a person who under the will or intestacy or, as the case may be, under the terms of the trust concerned is beneficially entitled to an interest in the dwelling or to the proceeds of sale of the dwelling;
- (b) in any other case, he is a member of the family of the owner.

### **Meaning of “owner” of dwelling**

**32.** In this Part “owner”, in relation to a dwelling—

- (a) means a person, other than a mortgagee not in possession, who, whether in his own right or as a trustee for any other person and whether alone or jointly or in common with any other person, is entitled to receive the rack rent of the dwelling, or where the dwelling is not so let, would be entitled to receive it if it were so let; and
- (b) is not himself liable as lessee of the dwelling, or of property which includes the dwelling, to pay such a rent to a superior landlord.

### **Disabled persons**

**33.** For the purposes of this Part “disabled person” has the same meaning as in the Disability Discrimination Act 1995 (c. 50).