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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 VI**

**SUPPLEMENTARY PROVISIONS**

*Religious denominations, charities, &c.*

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**119.**—(1) The provisions of Chapter II (main grants) mentioned below do not apply to—

- (a) an application for a grant by a religious denomination or body, or on behalf of a religious denomination or body by the trustees of the denomination or body; and
- (b) an application for a grant made by a charity or on behalf of a charity by the trustees of the charity.

(2) Those provisions are—

- (a) Articles 40 to 42 (conditions for application for renovation grant);
- (b) Articles 50, 52 and 53 (conditions for application for disabled facilities grant);
- (c) Articles 56 and 57 (conditions for application for HMO grant).

(3) In considering under Article 62 the amount (if any) of the grant where the applicant is a charity or the application is in respect of a religious denomination, the Executive shall have regard, in addition to the matters mentioned in that Article, to any obligation or practice on the part of the applicant to let dwellings at a rent less than that which could be obtained on the open market.

(4) In Chapter III (group repair schemes), in Article 94(2) (persons eligible to participate in group repair scheme as assisted participants) the requirement in sub-paragraph (a) that a person give an owner-occupation certificate or a certificate of intended letting does not apply if—

- (a) the person concerned is a charity or the trustee of a charity, or
- (b) the dwelling is the residence house of a religious denomination,

and the requirement in sub-paragraph (b) that a person give a certificate of future occupation does not apply if the person concerned is a charity or the trustee of a charity.

(5) In Chapter IV (home repair assistance), Article 107(1)(c) (condition that applicant have owner's interest or tenancy) does not apply to an application by an individual in respect of the residence house of a religious denomination.

(6) In this Article “charity” does not include a registered housing association but, subject to that, has the same meaning as in the Charities Act (Northern Ireland) 1964 (c. 33).

*Transitional provisions and savings*

**Transitional provisions and savings**

**120.**—(1) The provisions of Chapters II to IV of this Part have effect in place of Chapter I of Part III of the Order of 1992 (grants towards cost of improvements and repairs, &c.).

(2) Subject as follows, the provisions of Chapter I of Part III of that Order continue to apply to applications for grant of the descriptions mentioned in Article 39 of that Order made before the day of the coming into operation of this Part.

(3) Articles 50 and 51 of that Order (which require the Executive to approve certain grant applications) do not apply to an application under that Chapter, made after such date as may be prescribed which has not been approved or refused before the day of the coming into operation of this Part, unless—

- (a) the 6 month period under Article 54(1) of that Order (period within which applicant to be notified of decision) has elapsed before that day, or
- (b) the works were begun on or before such date as may be prescribed—
  - (i) in an emergency, or
  - (ii) in order to comply with a notice under Article 80 of that Order (notice requiring works to render premises fit for number of occupants) or Article 41 of the Order of 1981 (repair notice requiring works to render premises fit for human habitation).

(4) An application to which Article 50 or 51 of the Order of 1992 would have applied but for paragraph (3) shall be dealt with after the day of the coming into operation of this Part as if those Articles were omitted from Chapter I of Part III of that Order.

(5) The repeal by this Order of Chapter I of Part III of the Order of 1992 shall not affect paragraph (3)(c) of Article 73 of that Order or any regulations made under that paragraph prescribing provisions of that Chapter which are to apply in relation to replacement grants.

(6) The above provisions do not affect the power conferred by Article 1(4) to make transitional provision and savings in relation to the coming into operation of this Part, including provision supplementary or incidental to the above provisions.

Supplementary and incidental provision may, in particular, be made adapting the provisions of Chapter I of Part III of the Order of 1992 in the case of applications to which Article 50 or 51 of that Order would have applied but for the above provisions.