
STATUTORY INSTRUMENTS

1992 No. 1725

The Housing (Northern Ireland) Order 1992

PART III

GRANTS

CHAPTER I

GRANTS TOWARDS COST OF IMPROVEMENTS AND REPAIRS, ETC.

Approvals, notification and payment

Duty to approve applications to render certain dwellings fit for human habitation

50.—(1) Subject to the preceding provisions of this Chapter, on receipt of an application for a renovation grant (other than an application in respect of works required for the provision of one or more dwellings by the conversion of a house or other building), the Executive shall determine whether the dwelling is fit for human habitation.

(2) In any case where the Executive—

- (a) determines under paragraph (1) that a dwelling is not fit for human habitation, and
- (b) considers that completion of the relevant works will cause the dwelling to be fit for human habitation, and
- (c) is satisfied that completion of the relevant works is the most satisfactory course of action,

then, subject to paragraphs (4) and (5), it shall approve the application so far as it relates to that dwelling.

(3) If, in the case of any application, the Executive considers that the relevant works include works for which assistance is available under Part II of the Order of 1986 (assistance for owners of defective housing), it shall treat the application as if the relevant works did not include those works.

(4) If, in the case of any application, other than one to which Article 51 or 53(6) applies, the Executive considers that the relevant works include works in addition to those which will cause the dwelling to be fit for human habitation (“the additional works”), it shall treat the application—

- (a) as an application under this Article in so far as it relates to works other than the additional works; and
- (b) as an application under Article 53 in so far as it relates to the additional works;

but, for the purposes of Article 54 and the subsequent provisions of this Chapter, the 2 applications shall be treated as one application.

(5) The Executive shall not be under a duty under this Article to approve an application—

- (a) which is accompanied by a certificate of intended letting and is not a tenant’s application; or

- (b) if it expects, within the period of 12 months beginning with the date of receipt of the application, to prepare a group repair scheme in respect of a building which includes or comprises the dwelling.

(6) Article 46 of the Order of 1981 (fitness for human habitation) applies for the purposes of this Chapter, as it applies for the purposes of that Order.

(7) In deciding whether it is satisfied as mentioned in paragraph (2)(c), the Executive shall have regard to any guidance given under Article 46A of the Order of 1981 and, for that purpose, the Executive shall treat any guidance given in respect of the serving of a repair notice under Article 41(1) of that Order as guidance given in respect of the completion of the relevant works.

Duty to approve applications arising out of certain statutory notices

51. Subject to Article 50(3), the Executive shall approve an application falling within Article 48(1) (in this Article referred to as a “landlord’s application”) if completion of the relevant works is necessary to comply with a notice or notices under either of the following provisions—

- (a) Article 80 of this Order (notice requiring works to render premises fit for number of occupants);
- (b) Article 41 of the Order of 1981 (repair notice requiring works to render premises fit for human habitation).

Approval of applications to provide certain facilities for the disabled

52.—(1) The Executive shall not approve an application for a disabled facilities grant unless it is satisfied—

- (a) that the relevant works are necessary and appropriate to meet the needs of the disabled occupant; and
- (b) that it is reasonable and practicable to carry out the relevant works, having regard to the age and condition of the dwelling or building;

and, in considering the matter specified in sub-paragraph (a), the Executive shall consult the relevant Health and Social Services Board.

(2) The Executive shall not approve an application for a disabled facilities grant in respect of works to the common parts of a building containing one or more flats unless it is satisfied that the applicant has a power or is under a duty to carry out the relevant works.

(3) Subject to the preceding provisions of this Chapter, the Executive shall approve an application for a disabled facilities grant if the relevant works are for any one or more of the following purposes—

- (a) facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated;
- (b) facilitating access by the disabled occupant to a room used or usable as the principal family room;
- (c) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;
- (d) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, bath, shower or washhand basin or facilitating the use by the disabled occupant of such a facility;
- (e) facilitating the preparation and cooking of food by the disabled occupant;

- (f) improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating system in the dwelling or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs;
- (g) facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control; and
- (h) facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident in the dwelling and is in need of such care.

(4) Subject to the preceding provisions of this Chapter, the Executive may approve an application for a disabled facilities grant where the relevant works do not fall within paragraph (3) but are for the purpose of making the dwelling or building suitable for the accommodation, welfare or employment of the disabled occupant.

(5) In this Article “the disabled occupant” means the disabled person for whose benefit it is proposed to carry out any of the relevant works.

(6) In this Part “disabled person” means—

- (a) a person who is registered in pursuance of arrangements made under Article 15(1) of the Health and Personal Social Services (Northern Ireland) Order 1972(1); or
- (b) any other person for whose welfare arrangements have been made under that provision or, in the opinion of the relevant Health and Social Services Board, might be made under it.

(7) For the purposes of this Article “the relevant Health and Social Services Board” means the Health and Social Services Board for the area in which the dwelling is situated.

Discretionary approval of certain applications

53.—(1) Subject to the preceding provisions of this Chapter, the Executive may approve an application for a grant, other than a common parts grant, in any case where—

- (a) the relevant works go beyond or are other than those which will cause the dwelling to be fit for human habitation, but
- (b) the Executive is satisfied that the relevant works are necessary for one or more of the purposes set out in paragraph (3).

(2) Subject to the preceding provisions of this Chapter, the Executive may approve an application for a common parts grant if the Executive is satisfied that the relevant works—

- (a) are necessary for one or more of the purposes set out in sub-paragraphs (a) and (c) to (f) of paragraph (3); or
- (b) will cause the building to meet the requirements mentioned in sub-paragraphs (a) to (e) of Article 46(2) of the Order of 1981.

(3) The purposes referred to in paragraph (1) are—

- (a) to put the dwelling or building in reasonable repair;
- (b) to provide the dwelling by the conversion of a house or other building;
- (c) to provide adequate facilities for space heating;
- (d) to provide satisfactory internal arrangements;
- (e) to ensure that the dwelling or building complies with such requirements with respect to construction or physical condition as may for the time being be specified by the Department for the purposes of this Article; and

- (f) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the dwelling or building as may for the time being be so specified.
- (4) In the case of an application for an HMO grant, any reference in paragraphs (1) and (3) to the dwelling shall be construed as a reference to the house.
- (5) In considering whether to approve an application for a grant in exercise of its discretion under paragraph (1) or (2), the Executive shall have regard to the expected life of the building (taking account, where appropriate, of the effect of carrying out the relevant works).
- (6) Subject to the preceding provisions of this Chapter, the Executive may approve an application falling within Article 48(1) (in this Article referred to as a “landlord’s application”) if—
 - (a) the relevant works are for the purpose of rendering the dwelling or house to which the application relates fit for human habitation, or
 - (b) in the case of an application for an HMO grant, the relevant works are for the purpose of enabling the house in question to meet one or more of the requirements in Article 80(2),
 and (in either case) the Executive is satisfied that the relevant works are necessary for the purpose concerned.
- (7) If in the opinion of the Executive the relevant works are more or less extensive than is necessary to achieve the result referred to in sub-paragraph (b) of paragraph (2) or any of the purposes set out in paragraph (3), or, as the case may be, the purpose falling within paragraph (6), the Executive may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to the Executive to be necessary for that purpose.
- (8) In determining what is “reasonable repair”, in relation to a dwelling or building for the purposes of paragraph (3)(a), the Executive—
 - (a) shall have regard to the age and character of the dwelling or building and the locality in which it is situated; and
 - (b) shall disregard the state of internal decorative repair.
- (9) In the exercise of the powers conferred by sub-paragraphs (e) and (f) of paragraph (3), the Department—
 - (a) may specify requirements generally or for particular cases; and
 - (b) may specify different requirements for different areas.

Approval and refusal of applications

54.—(1) The Executive shall, by notice in writing, notify an applicant for a grant as soon as reasonably practicable, and, in any event, not later than 6 months after the date of the application concerned, whether the application is approved or refused.

- (2) Where the Executive decides to approve an application for a grant, it shall determine—
 - (a) which of the relevant works, taking into account any variation of the application under Article 46(4)(a) or Article 53(7), are eligible for grant (in this Chapter referred to as “the eligible works”);
 - (b) the amount of the expenses which in its opinion are properly to be incurred in the execution of the eligible works;
 - (c) the amount of the costs which in its opinion have been or are to be properly incurred with respect to preliminary or ancillary services and charges; and

- (d) the amount of grant it has decided to pay in respect of the eligible works, taking into account sub-paragraphs (b) and (c), paragraph (5) and such of Articles 47 to 53 as may be applicable;

and shall specify in the notice under paragraph (1) the eligible works, the total of the amounts referred to in sub-paragraphs (b) and (c) (in this Chapter referred to as “the estimated expense”) and the amount of the grant.

- (3) Where an application for a grant is approved, then, except—

- (a) with the consent of the Department, or
 - (b) as provided by Article 56(1),

the Executive may not impose any condition in relation to the approval or making of the grant, whether purporting to operate by way of a condition of the grant, a personal covenant or otherwise.

- (4) If, after an application for a grant has been approved, the Executive is satisfied that, owing to circumstances beyond the control of the applicant,—

- (a) the eligible works cannot be, or could not have been, carried out on the basis of the amount of expenses referred to in paragraph (2)(b), or
 - (b) the eligible works cannot be, or could not have been, carried out without carrying out additional works which could not have been reasonably foreseen at the time the application was made,

the Executive may re-determine the estimated expense and, subject to paragraph (5), the amount of the grant.

- (5) The Department may, if it thinks fit, by order specify a maximum amount, or a formula for calculating a maximum amount, of grant which the Executive may pay in respect of an application for a grant; and the Executive may not pay any grant in excess of that amount.

Payment of grants

55.—(1) Where the Executive has approved an application for a grant, it shall pay the grant, subject to paragraph (3) and to Articles 70 and 71.

- (2) The grant may be paid—

- (a) in whole after the completion of the eligible works, or
 - (b) in part by instalments as the works progress and the balance after completion of the works.

- (3) The payment of a grant, or part of a grant, is conditional upon—

- (a) the eligible works or the corresponding part of the works being executed to the satisfaction of the Executive; and
 - (b) the Executive being provided with an acceptable invoice, demand or receipt for payment for the works and any preliminary or ancillary services and charges in respect of which the grant or part of the grant is to be paid.

- (4) For the purposes of paragraph (3) an invoice, demand or receipt is acceptable if it satisfies the Executive and is not given by the applicant or a member of his family.

- (5) Where a grant is paid by instalments, the aggregate of the instalments paid before the completion of the eligible works shall not at any time exceed nine-tenths of the amount of the grant.