
STATUTORY INSTRUMENTS

1992 No. 1725

The Housing (Northern Ireland) Order 1992

PART III

GRANTS

CHAPTER I

GRANTS TOWARDS COST OF IMPROVEMENTS AND REPAIRS, ETC.

Restrictions on grant aid

Landlords

48.—(1) Subject to Article 64, this Article applies—

- (a) where an application for a grant is accompanied by a certificate of intended letting with respect to a dwelling and is not a tenant's application;
- (b) where an application for an HMO grant is accompanied by a certificate under Article 44(7);
- (c) where, by virtue of Article 42(5) or 44(9), Article 42 or, as the case may be, Article 44 does not apply to an application for a grant; and
- (d) where an application for a grant is a landlord's common parts application.

(2) Subject to the following provisions of this Article and to Article 54(5), the amount of the grant (if any) shall be such as may be determined by the Executive, having regard to—

- (a) the cost of the relevant works;
- (b) where a regulated tenancy (within the meaning of the Rent (Northern Ireland) Order 1978⁽¹⁾) subsists in the dwelling, the amount of the rent recoverable and of any increase which might reasonably be expected in that rent to take account of the relevant works, when completed;
- (c) where the dwelling is currently let, but sub-paragraph (b) does not apply, the amount of the rent payable and of any increase which might reasonably be expected in that rent to take account of the relevant works, when completed;
- (d) where the dwelling is not currently let, the amount of rent which might reasonably be expected to be obtained on a letting of the dwelling on the open market when the relevant works are complete; and
- (e) such other matters as the Department may direct.

(3) In making a determination under paragraph (2), the Executive may take account—

- (a) in relation to sub-paragraph (b) of that paragraph, of any certificate of future rent issued under Article 32 of the Rent (Northern Ireland) Order 1978⁽²⁾; and

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- (b) in relation to sub-paragraph (c) or (d) of that paragraph, of any assessment of rent undertaken by a rent officer in pursuance of regulations made under paragraph (4).
- (4) The Department may by regulations make such provision as it thinks fit with respect to assessments of rent for the purposes of paragraph (3)(b).
- (5) Without prejudice to the generality of paragraph (4), the regulations may, in particular, make provision as to—
 - (a) the functions of the rent officer;
 - (b) the procedure to be followed in making an assessment of rent; and
 - (c) the basis on which an assessment of rent is to be made.
- (6) In paragraphs (3) and (5) “rent officer” means the rent officer nominated under paragraph 3 of Schedule 5 to the Rent (Northern Ireland) Order 1978 and includes the deputy rent officer.
- (7) Where the applicant is a charity or the application is in respect of a religious denomination or body, the Executive shall also have regard—
 - (a) 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;
 - (b) to any financial resources available to the applicant in addition to the rent from the dwelling; and
 - (c) generally to the circumstances of the applicant concerned.
- (8) In the case of an application for an HMO grant, in paragraphs (2) to (7), any reference to rent shall be construed as a reference to the aggregate of the consideration under licences or lettings of the house in question and any reference to letting a dwelling shall be construed accordingly.
- (9) Where the application is for a grant in respect of the residence house of a religious denomination, paragraphs (b) to (d) of paragraph (2) shall not apply and the Executive shall also have regard—
 - (a) to any financial resources available to the applicant; and
 - (b) generally to the circumstances of the applicant.
- (10) In a case where the application is a landlord’s common parts application, each of the dwellings in the building concerned shall be taken into account under sub-paragraph (b) or (c) of paragraph (2) so as to determine an aggregate rent for the purposes of that paragraph.