SCHEDULES

SCHEDULE 1

Article 12(3).

MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 12(3)

1. References to the Department or to the council shall be construed as references to the Department within the meaning of this Order.

2. References to Schedule 6 to the Local Government Act (Northern Ireland) 1972[F1] shall be construed as references to that Schedule as modified by this Schedule.

F1 1972 c.9 (N.I.)

3. Omit paragraph 1 of that Schedule.

4. In paragraph 2 of that Schedule—

(a) for the words "notice of application" substitute "notice of the Department's intention to acquire the land compulsorily";

(b) omit the words "in such form and manner as the Department directs";

(c) in sub-paragraph (c) for the words "as may be prescribed" substitute the words "as the Department considers fit".

5. In paragraph 3(1)(b) for the words in brackets substitute "if the Department thinks it necessary to do so".

6. In paragraph 4 omit the words from "and may provide" onwards.

7. In paragraph 5—

(a) in sub-paragraph (1)(a) omit the words "in the prescribed form and manner";

(b) in sub-paragraph (1)(b) the two references to the said Act of 1972 shall be construed as references to this Order;

(c) in sub-paragraph (1)(d) omit the words "in the prescribed form";

(d) in sub-paragraph (2) for the words "as may be prescribed" substitute the words "as the Department considers fit".

8. In paragraph 6(2) for the words "fund out of which the expenses of the council in acquiring the land are to be defrayed" substitute the words "Consolidated Fund" and for the words "out of the Compensation Fund" there shall be substituted the words "made by the Department".

9. In paragraph 11(3) omit the words "in the prescribed form".

10. In paragraph 12—

(a) in sub-paragraph (1) omit the words "such" and "as may be prescribed";

(b) in sub-paragraph (2) for the words from "clerk" to "directs" substitute the words "Department as correct, and publish".

11. In paragraph 14(1) omit the words "in the prescribed form".

12. In paragraph 15(1) for the words "in the prescribed form" substitute the words "in such form as may be approved by the Department"

13. Omit paragraph 19.

14. Omit paragraph 20(2).

SCHEDULE 2

Article 13(2).

GRANT-AIDED LAND

1. For the purposes of Article 13 "grant-aided land" means land—

(a) in respect of which such payment as is specified in paragraph 2 falls to be made in respect of a period ending after 10th November 1976; or

(b) on which is or has been secured a loan which is of a description specified in paragraph 3 and in respect of which any repayment (whether by way of principal or interest or both) falls to be made after that date.

2. The payments referred to in paragraph 1(a) are contributions which became payable before 10th November 1976—

(a) by way of exchequer contributions under section 1 of the Housing Act (Northern Ireland) 1945[F2] as applied to housing associations by virtue of section 12 of the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946[F3];

(b) by way of exchequer contributions under section 15 of the Housing Act (Northern Ireland) 1963[F4] (contributions for hostels).

F2 1945 c.2 (N.I.)
F3 1946 c.4 (N.I.)
F4 1963 c.26 (N.I.)

3. The loans referred to in paragraph 1(b) are—

(a) loans under section 14 of the Housing (Ireland) Act 1919[F5], as applied to the Executive by virtue of section 3(1) of the Housing Executive Act (Northern Ireland) 1971[F6] (powers of promoting and assisting public utility societies); and

(b) loans under section 44 of the Housing Act (Northern Ireland) 1956[F7] (power to make loans to certain associations).

F5 1919 c.45
F6 1971 c.5 (N.I.)
F7 1956 c.10 (N.I.)

SCHEDULE 3

Article 74(3).

PROVISIONS WITH RESPECT TO REPAIRS GRANTS UNDER ARTICLE 74

1.—(1) No repairs grant shall be paid by the Executive unless an application is made to it in accordance with this Schedule by the person to whom the grant is payable.

(2) An application for a repairs grant shall—

(a) specify the premises to which the application relates;

(b) contain particulars of the works in respect of which the grant is sought (in this Schedule referred to as "the relevant works") and an estimate of their cost; and

(c) contain such other particulars as may for the time being be specified to the Executive by the Department.

2.—(1) Subject to paragraphs (2) to (4), the Executive shall not approve an application for a repairs grant unless the Executive is satisfied that on completion of the relevant works the dwelling-house will attain the relevant standard of repair.

(2) Without prejudice to the discretion of the Executive to approve or decline to approve an application for a repairs grant, if, in the opinion of the Executive, the relevant works are more extensive than is necessary for the purpose of securing that the dwelling-house will attain the relevant standard of repair, the Executive may, with the consent of the applicant, treat the application as varied so that the relevant works include only such works as seem to the Executive to be necessary for that purpose, and may approve the application as so varied.

(3) Where the Executive is of the opinion—

(a) that the dwelling-house may be demolished within the period of 5 years from the date on which it received the application for the repairs grant; or

(b) that, notwithstanding that the relevant works are completed, the dwelling-house will, within that period become unfit for human habitation and will, at the expiration of that period, be incapable of being rendered fit at reasonable expense,

the Executive may dispense with the condition in paragraph (1).

(4) In determining for the purposes of this paragraph whether a dwelling-house meets the relevant standard of repair, regard shall be had to the repairing conditions (within the meaning of Article 46 of the Rent (Northern Ireland) Order 1978[F8]) or, as the case may be, to the requirements of the notice served under section 110 of the Public Health (Ireland) Act 1878[F9] in relation to the dwelling-house.

F8 1978 NI 20
F9 1878 c.52

3.—(1) Where the Executive approves an application for a repairs grant, it shall determine the amount of the expense (in this Schedule referred to as "the eligible expense") which in its opinion is proper to be incurred for the execution of the relevant works and shall notify the applicant of that amount.

(2) If the applicant satisfies the Executive that the relevant works cannot be or could not have been carried out without the carrying out of additional works and that this could not have been reasonably foreseen at the time the application was made, the Executive may determine a higher amount under paragraph (1).

(3) Except in a case or description of case in respect of which the Department approves a higher eligible expense, the eligible expense for the purposes of a repairs grant shall be so much of the amount determined under paragraph (1) as does not exceed**[**[F10] £7,500**]** or such other amount as the Department may by order specify.

(4) The amount of a repairs grant shall be such as may be fixed by the Executive when it approves the application for the grant but, subject to paragraph (5), shall not exceed the appropriate percentage of the eligible expense and, together with the notification under paragraph (1), the Executive shall send to the applicant a notification of the amount of the grant.

(5) **[**[F10]Subject to sub-paragraph (6)**]** in any case where, after the amount of a repairs grant has been notified to the applicant under paragraph (4), the Executive, in exercise of its powers under paragraph (2), determines a higher amount under paragraph (1), the eligible expense shall be re-calculated under paragraph (3), and if, on that re-calculation, the amount of the eligible expense is greater than it was at the time when the application was approved—

(a) the amount of the repairs grant shall be increased accordingly; and

(b) the Executive shall notify the applicant of the increased amount of the grant.

[[F10](6) The total amount of repairs grant payable in any period of 3 years in respect of any one dwelling-house shall not exceed £7,500 or such other amount as the Department may by order specify.**]**

F10 2003 NI 2

4.—(1) In this Schedule "the appropriate percentage" (which is relevant for determining the grant or the maximum amount of grant) shall, in relation to an application for a repairs grant, be the percentage applicable to that application in accordance with the following provisions of this paragraph.

(2) The appropriate percentage shall be—

(a) where the application is in respect of a dwelling-house which is subject to a protected or statutory tenancy under the Rent (Northern Ireland) Order 1978[F11], 90%;

(b) where it appears to the Executive that the applicant would not without undue hardship be able to finance so much of the cost of relevant works as is not met by the grant, 90%;

(c) where the net annual value of the house to which the application relates, other than a house in respect of which a district council has issued a regulated rent certificate under Article 9 of the Rent (Northern Ireland) Order 1978, is less than £60, 100%;

[[F12](d) in any other case,

(i) 75% where the net annual value is greater than £59 and less than £131;

(ii) 50% where the net annual value is greater than £130 and less than £226; and

(iii) 25% where the net annual value is greater than £225.**]**

(3) The Department may by order, made with the approval of the Department of Finance and Personnel, modify paragraph (2) in such manner as it thinks fit.

F11 1978 NI 20
F12 SR 1995/284; 1996/387

5. If the Executive—

(a) does not approve an application for a repairs grant, or

(b) fixes the amount of the grant at less than the appropriate percentage of the eligible expense,

it shall state in writing to the applicant its reasons for doing so.

SCHEDULE 4

Article 82.

HOUSES IN MULTIPLE OCCUPATION: MEANS OF ESCAPE FROM FIRE

Exercise of powers of Executive

1. Subject to Article 80, if it appears to the Executive that a house in multiple occupation is not provided with such means of escape from fire as the Executive considers necessary the Executive may exercise such of its powers under this Schedule as appear to it most appropriate; and it shall do so if the house is of such description or occupied in such manner as the Department may by order specify.

Powers available to Executive

2.—(1) The Executive may serve a notice on any person on whom a notice may be served under Article 80(3) specifying the works which in the opinion of the Executive are required to provide the necessary means of escape from fire.

(2) Paragraphs (5) and (6) of Article 80 shall apply in relation to a notice under sub-paragraph (1) in the same manner as they apply to a notice under that Article.

3. If it appears to the Executive that the means of escape from fire would be adequate if part of the house were not used for human habitation, the Executive may secure that that part is not so used.

4. The Executive may secure that part of the house is not used for human habitation and serve a notice under paragraph 2 specifying such works only as in the opinion of the Executive are required to provide the means of escape from fire which will be necessary if that part is not so used.

5. For the purpose of securing that a part of the house is not used for human habitation the Executive may, if after consultation with any person appearing to it to be an owner of the house, accept an undertaking from him that that part will not be used for human habitation without the permission of the Executive.

6. If the Executive does not accept an undertaking under paragraph 5 with respect to a part of the house, or if, in a case where it has accepted such an undertaking, that part of the house is at any time used in contravention of the undertaking, the Executive may make a closing order with respect to that part of the house.

Enforcement

7. Any person who, knowing that an undertaking has been accepted under paragraph 5, uses the part of the house to which the undertaking relates in contravention of the undertaking, or permits that part of the house to be so used, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale and to a further fine of one tenth of the amount corresponding to that level for every day, or part of a day, on which he so uses it or permits it to be so used, after conviction.

Consultation with Fire Authority

8. The Executive shall, before serving a notice, accepting an undertaking or making a closing order under this Schedule, consult with the Fire Authority for Northern Ireland.

Exclusion of protection under Rent (Northern Ireland) Order 1978

9. Nothing in the Rent (Northern Ireland) Order 1978 shall prevent possession being obtained of any part of a house which, in accordance with any undertaking in pursuance of this Schedule, cannot for the time being be used for human habitation.

Application of Chapter II of Part III of the Order of 1981

10. Chapter II of Part III of the Order of 1981 shall apply to a closing order made under this Schedule as it applies to a closing order under Article 38(1) of that Order, but the ground on which, under Article 39(1) of that Order, the Executive is required to determine the order shall be that it is satisfied that the means of escape from fire with which the house is provided is adequate (owing to a change of circumstances) and will remain adequate if the part of the house with respect to which the order was made is again used for human habitation.

Matters requiring to be registered in the Statutory Charges Register

11. There shall be included in the matters which are required to be registered in the Statutory Charges Register—

(a) any notice served under paragraph 2,

(b) any undertaking accepted under paragraph 5, and

(c) any closing order made under paragraph 6.

Schedule 5—Amendments

Schedule 6-8—Amendments

Schedule 9—Repeals

Status:
Point in time view as at 01/01/2006.

Changes to legislation:
There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1992.