
STATUTORY INSTRUMENTS

2003 No. 412

The Housing (Northern Ireland) Order 2003

PART III

GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING

CHAPTER II

THE MAIN GRANTS

Grant conditions and repayment

Meaning of exempt disposal

85.—(1) A disposal is an exempt disposal for the purposes of the provisions of this Chapter relating to grant conditions if it is a disposal of the whole or part of the premises to which the application relates of any of the following descriptions—

- (a) a conveyance of a freehold estate in possession (whether legal or equitable) or an assignment of the lease where the person, or each of the persons, to whom it is made is a qualifying person (as defined in paragraph (2));
 - (b) a vesting in a person taking under a will or on an intestacy;
 - (c) a disposal in pursuance of any such order as is mentioned in paragraph (3);
 - (d) a compulsory disposal (see paragraph (4));
 - (e) a disposal of property consisting of land included in the dwelling and used for the purposes of the dwelling;
 - (f) a disposal under which the interest of a person entitled to assistance by way of repurchase under Part II of the Order of 1986 (assistance for owners of defective housing) is acquired in accordance with Schedule 2 to that Order;
 - (g) a disposal of the whole of the dwelling and a conveyance of a freehold estate in possession (whether legal or equitable) or an assignment of the lease where—
 - (i) the person making the disposal is aged at least 70;
 - (ii) the disposal is to provide an annuity income; and
 - (iii) the person concerned is entitled to continue to occupy the dwelling as his only or main residence;
 - (h) a disposal of any other description specified by order of the Department for the purposes of this Article.
- (2) A person is a qualifying person for the purposes of paragraph (1)(a) if—
- (a) in the case of an individual, he is—
 - (i) the person, or one of the persons, by whom the disposal is made;
 - (ii) the spouse, or former spouse, of that person or one of those persons; or

- (iii) a member of the family of that person or one of those persons; or
- (b) in the case of a company, it is an associated company of the company by whom the disposal is made.

Section 416 of the Income and Corporation Taxes Act 1988 (c. 1) (meaning of associated company) applies in determining whether a company is an associated company of another for the purposes of sub-paragraph (b).

- (3) The orders referred to in paragraph (1)(c) are orders under—
 - (a) Article 26(1) of the [Matrimonial Causes \(Northern Ireland\) Order 1978 \(NI 15\)](#) (property adjustment orders in connection with matrimonial proceedings);
 - (b) Article 4 of the [Inheritance \(Provision for Family and Dependants\) \(Northern Ireland\) Order 1979 \(NI 8\)](#) (orders as to financial provision to be made from estate);
 - (c) Article 21 of the [Matrimonial and Family Proceedings \(Northern Ireland\) Order 1989 \(NI 4\)](#) (property adjustment orders or orders for the sale of property after overseas divorce, etc.);
 - (d) paragraph 2 of Schedule 1 to the [Children \(Northern Ireland\) Order 1995 \(NI 2\)](#) (orders for financial relief against parents).

(4) For the purposes of paragraph (1)(d) a compulsory disposal is a disposal of property to a person who has made or who would have made, or for whom another person has made or would have made, a vesting order authorising its acquisition compulsorily for the purposes for which it is acquired.

(5) The grant of an option enabling a person to call for an exempt disposal shall be treated as such a disposal made to him.