
STATUTORY INSTRUMENTS

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The Housing (Northern Ireland) Order 1992

PART III

GRANTS

CHAPTER I

GRANTS TOWARDS COST OF IMPROVEMENTS AND REPAIRS, ETC.

Group repair schemes

Group repair schemes and persons eligible to participate

65.—(1) In accordance with a scheme under this Article prepared by the Executive and approved by the Department, the Executive may, with the consent of the persons participating in the scheme, enter into agreements to secure the carrying out of such external works to qualifying buildings to which the scheme relates as will ensure that, on completion of the works, the exterior of those buildings will be in reasonable repair; and in this Chapter such a scheme is referred to as a “group repair scheme”.

(2) The approval of the Department under paragraph (1) may be given either to a specific scheme or generally to schemes which fulfil such criteria as the Department may specify; and any such approval may be made conditional upon compliance with requirements specified by the Department.

(3) Subject to paragraphs (4) and (5), every person who, at the date of the approval of the scheme, has an owner’s interest in a dwelling or other premises comprised in a building to which a group repair scheme relates and who fulfils the conditions in paragraph (6) is eligible to participate in the scheme as an assisted participant.

(4) A registered housing association (within the meaning of Article 3) which has an owner’s interest in a dwelling or other premises comprised in a building to which a group repair scheme relates is eligible to participate in the scheme, but only as an unassisted participant.

(5) The Executive may participate in a group repair scheme by including in the scheme a dwelling or other premises comprised in a building in which it has an owner’s interest.

(6) The conditions referred to in paragraph (3) are—

- (a) that, as respects the dwelling or other premises in which he has an owner’s interest, the person concerned either is able to give possession of any part of the building to which external works are proposed to be carried out or has the consent of the occupier of that part to the carrying out of those works; and
- (b) that, if the owner’s interest which he has is an interest in a dwelling and this paragraph is not excluded by paragraph (7), he gives a certificate of future occupation which falls within paragraph (2) or (4) of Article 44; and

- (c) that, if the owner's interest which the person concerned has is an interest in a house in multiple occupation and that person is not a charity or the trustee of a charity, he gives a certificate under Article 44(7).
- (7) Paragraph (6)(b) does not apply if—
- (a) the person concerned is a charity or the trustee of a charity; or
 - (b) the person concerned is a religious denomination or body or the trustee of such a denomination or body, acting on its behalf, and the dwelling is the residence of a minister of religion.
- (8) If the Department so directs in the case of any scheme or any description of scheme, such of the provisions of this Article and Articles 66 to 68 as are specified in the direction shall not apply in relation to that scheme or, as the case may be, in relation to a scheme of that description.
- (9) The power to give directions under paragraph (8) may be exercised so as to make different provision for different cases, different descriptions of cases and different areas.

Qualifying buildings and external works, etc.

66.—(1) A building is not a qualifying building in relation to a group repair scheme unless, at the time the scheme is prepared, the whole or some part of the exterior of the building is not in reasonable repair and that lack of reasonable repair affects at least 75 per cent. of the houses contained in the building.

(2) Every group repair scheme shall relate to at least one qualifying building (in this Article referred to as “the primary building”) which was constructed so as to comprise not less than 4 separate houses and may also relate to one or more other qualifying buildings if the following conditions are fulfilled with respect to each of them—

- (a) the building was constructed so as to comprise at least one house and is contiguous or adjacent to the primary building; and
- (b) the exterior of the building is not in reasonable repair and is in need of works similar to those required to the exterior of the primary building; and
- (c) carrying out the works to the building and the primary building at the same time is the most effective way of securing the repair of each of them.

(3) The question whether a building was constructed so as to comprise not less than 4 houses or at least one house shall be determined according to the configuration of the building at the date of its construction.

(4) For the purposes of this Article—

- (a) a terrace of houses shall be regarded as one building except that, if it appears appropriate to the Executive to do so, having regard in particular to the requirements of paragraph (1), it may treat part only of the terrace as a building; and
- (b) if, apart from this sub-paragraph, one building would be regarded as containing 2 or more purpose-built flats and one or more houses, the part of the building containing the purpose-built flats and the part or parts of the building containing the houses shall be regarded as separate buildings.

(5) In relation to a group repair scheme, “external works” are works to any part of the exterior of a building to which the scheme relates and, so far only as may be necessary to give satisfactory effect to such works, additional works to other parts of the building.

(6) For the purposes of this Chapter, the exterior of a building means—

- (a) any part thereof which is exposed to the elements of wind and rain or otherwise faces into the open air (including, in particular, roofs, chimneys, walls, doors, windows, rainwater goods and external pipework); and

- (b) the curtilage of the building, including any wall within the curtilage which is constructed as a retaining wall or otherwise to protect the structure of the building;

and, in relation to works to any part of the curtilage referred to in sub-paragraph (b), the reference in paragraph (5) to additional works to other parts of the building includes a reference to additional works on land outside the curtilage.

(7) In this Article—

- (a) “house” means a dwelling which is not a flat (and, accordingly, does not include a house constructed as a house in multiple occupation); and
- (b) a “purpose-built flat” means a part of a building which, at the date of the construction of the building, was constructed as a flat.

(8) For the purposes of this Chapter, unless the exterior of a building is substantially free from rising or penetrating damp, it shall not be regarded as in reasonable repair.

Contributions by participants and limitations on works

67.—(1) Those persons who are eligible to participate in a group repair scheme and who participate in the scheme by signifying consent (in this Article referred to as “scheme consent”), in accordance with the terms of the scheme, to the proposals to carry out the external works specified in the scheme shall be liable, subject to paragraph (2), to contribute to the cost, as notified to them under the scheme, of such of those works as relate to the house or other premises in which they have an interest at a rate determined in accordance with this Article.

(2) For the purposes of paragraph (1), “house” includes premises which were originally constructed as a house but which, by the time the group repair scheme is prepared, have been divided so as to form one or more flats, with or without other premises; and, in the case of a house which has been so divided, the cost of such of the external works as relate to the house shall be apportioned between the several parts into which the house has been divided in such way as may be agreed between the persons with owner’s interests in those parts or, in default of agreement, equally.

(3) In the case of a person who participates in a scheme as an unassisted participant, the rate of contribution shall be 100 per cent.

(4) In the case of a person who participates in a scheme as an assisted participant but whose owner’s interest in the part of the qualifying building in question is an interest in premises other than a house or flat, the rate of contribution, subject to paragraph (5), shall be—

- (a) 25 per cent. in a case where the qualifying building is in a housing action area; and
- (b) 50 per cent. in any other case;

and in this paragraph “house” includes a house in multiple occupation.

(5) The Department may by order amend sub-paragraph (a) or (b) of paragraph (4) so as to specify a percentage different from that which applied before the coming into operation of the order.

(6) In the case of any other person who participates in a scheme as an assisted participant, the rate of contribution shall be such percentage as may be determined by the Executive, being a percentage between nil and that which would be appropriate if paragraph (4) applied; and, in making its determination under this paragraph in the case of any person, the Executive shall have regard—

- (a) to the way in which Article 47 or 48 would apply in his case if he were an applicant for a renovation grant or, as the case may require, an HMO grant; and
- (b) to any guidance given by the Department for the purposes of this Article;

and paragraph (8) of Article 65 applies to the power to give guidance as mentioned in sub-paragraph (b) as it applies to any power to give directions under that Article.

(7) Except as provided by paragraph (8), no external works shall be carried out to a part of a building which consists of a house, flat or other premises in respect of which no person eligible to participate has signified scheme consent.

(8) Paragraph (7) does not apply—

(a) to works carried out to a part of a building in respect of which there is no person (or no ascertainable person) eligible to participate in the scheme; or

(b) to works which—

(i) are carried out to a part of a building in respect of which the person eligible to participate consents to their being carried out but has not signified scheme consent (and, accordingly, is not liable to contribute); and

(ii) it is necessary to carry out in order satisfactorily to carry out any external works specified in the scheme to another part of the building in respect of which a person eligible to participate has signified scheme consent.

Payment of balance of costs in case of certain disposals

68.—(1) When the external works specified in a group repair scheme are completed, the Executive shall, for the purposes of this Article, send to each assisted participant a certificate specifying the date on which the works were completed to its satisfaction; and in paragraph (2) that date is referred to as “the completion date”.

(2) It shall be a condition of participation in a group repair scheme as an assisted participant that if, before the expiry of the period of 3 years beginning with the completion date, the assisted participant makes a relevant disposal (other than an exempt disposal) of the dwelling or other premises in which he had an owner’s interest at the date of the approval of the scheme, then, subject to paragraph (8), he shall pay to the Executive on demand the outstanding balance determined in accordance with paragraphs (5) and (6) or such lesser amount, being not less than one-third of that outstanding balance, as the Executive may specify in the demand.

(3) A condition under paragraph (2)—

(a) shall be included among the matters required to be registered in the Statutory Charges Register; and

(b) subject to paragraph (8), shall remain in force with respect to the dwelling for a period of 3 years from the completion date.

(4) So long as a condition under paragraph (2) remains in force with respect to a dwelling it shall be binding on any person who is for the time being the owner of the dwelling.

(5) Subject to paragraph (6), in the case of any assisted participant, the outstanding balance referred to in paragraph (2) is the difference between—

(a) the cost, as notified to him under the scheme, of such of the external works specified in the scheme as relate to the house or other premises in which his owner’s interest subsisted; and

(b) the amount of the contribution in respect of that cost paid by him by virtue of Article 67.

(6) If, in the case of any assisted participant, the cost of the external works relating to the house in which he had an owner’s interest falls to be apportioned as mentioned in paragraph (2) of Article 67, the reference in paragraph (5) to the cost of the works relating to the house shall be construed as a reference to that part of the cost which is apportioned to the part of the house in which his owner’s interest subsisted.

(7) Article 62 applies for the purposes of this Article as it applies for the purposes of Articles 58 to 61, except that for any reference in that Article to the dwelling there shall be substituted a reference to the house (or part of a house) or other premises in which the assisted participant had an owner’s interest.

(8) The duty of an assisted participant under paragraph (2) shall cease to apply if he makes such a disposal as is mentioned in that paragraph either for no consideration or for consideration of an amount less than that either prescribed, or calculated in accordance with a formula prescribed by regulations made by the Department.

(9) In paragraphs (5) to (7) “house” shall be construed in accordance with Article 67(2).