
STATUTORY INSTRUMENTS

1992 No. 1725

The Housing (Northern Ireland) Order 1992

PART III

GRANTS

CHAPTER I

GRANTS TOWARDS COST OF IMPROVEMENTS AND REPAIRS, ETC.

Supplementary provisions

Persons entitled to grants

70.—(1) In relation to a grant or an application for a grant, references in the preceding provisions of this Part, and in paragraph (2), to the applicant shall be construed in relation to any time after his death as a reference to his personal representatives.

(2) Where an application for a grant is approved but before the certified date the applicant ceases to be a person entitled to apply for a grant of that description—

(a) in the case of any grant, other than a common parts grant, no grant shall be paid or, as the case may be, no further instalments shall be paid, and

(b) in the case of a common parts grant, other than one made on a tenants' common parts application, the Executive may refuse to pay the grant or any further instalment,

and the Executive may demand that any instalment of the grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment at such reasonable rate as the Executive may determine.

(3) For the purposes of paragraph (2) an applicant ceases to be a person entitled to apply for a grant, other than a common parts grant,—

(a) if he ceases to have the owner's interest by virtue of which the condition in Article 42(1) (a) was (or was treated as) fulfilled, or

(b) if he ceases to be a tenant of the dwelling, or

(c) if he, or a member of his family, ceases to have the intention specified in a certificate under paragraph (2), (3) or (4) (as the case may be) of Article 44, or

(d) if, in the case of an applicant for an HMO grant, he ceases to have the intention specified in a certificate under Article 44(7).

(4) For the purposes of paragraph (2) an applicant whose application is a landlord's common parts application ceases to be a person entitled to apply for a common parts grant—

(a) if he ceases to have a duty or power to carry out the relevant works; or

(b) if he ceases to have such an interest in the building as is referred to in sub-paragraph (a) or (b) of Article 43(4).

Cases in which grants may be re-calculated, withheld or repaid

71.—(1) Where an application for a grant has been approved by the Executive, paragraph (2) applies in any case where—

- (a) the eligible works are not completed to the satisfaction of the Executive within the period specified under paragraph (2) of Article 56, or such extended period as they may allow under paragraph (3) of that Article; or
- (b) the Executive ascertains that the aggregate of the cost of completing the eligible works and the costs incurred with respect to preliminary or ancillary services and charges, is or is likely to be lower than the estimated expense; or
- (c) the Executive ascertains that without its knowledge the eligible works were started before the application was approved and the application was neither—
 - (i) one which the Executive was required to approve by virtue of Article 50 in a case where completion of the relevant works was necessary to comply with a notice under Article 41 of the Order of 1981 (repair notice requiring works to render premises fit for human habitation); nor
 - (ii) one which the Executive was required to approve by virtue of Article 51.

(2) Where this paragraph applies, the Executive may—

- (a) refuse to pay the grant or any further instalment of grant which remains to be paid; or
- (b) make a reduction in the grant which, in a case falling within paragraph (1)(b), is to be a reduction proportionate to the reduction in the estimated expenses;

and may demand repayment by the applicant forthwith, in whole or part, of the grant or any instalment of the grant paid, together with interest at such reasonable rate as the Executive may determine from the date of payment until repayment.

Power of Executive to carry out works which would attract grant

72.—(1) The Executive may by agreement with a person having the requisite interest execute at his expense—

- (a) any works towards the cost of which a grant under this Chapter is payable or might be paid on an application duly made and approved; and
- (b) any further works which it is in the opinion of the Executive necessary or desirable to execute together with the works mentioned in sub-paragraph (a).

(2) Except in the case of a common parts grant, the “requisite interest” means an owner’s interest in every parcel of land on which the works are to be carried out or, in a case where (if an application was made) Article 42(4) might apply, in part only of the land concerned.

(3) In the case of a common parts grant, the reference in paragraph (1) to a person having the requisite interest is a reference to the person who—

- (a) has a power or duty to carry out the relevant works; and
- (b) has such an interest in the building or in a flat in the building as is referred to in paragraph (4) of Article 43.