

1991 No. 29

HOUSING

**Homes Insulation Scheme and Grants Order
(Northern Ireland) 1991**

Made 6th February 1991

Coming into operation 18th March 1991

The Department of Economic Development in exercise of the powers conferred by Article 86(1), (2), (3), (4)(a), (5) and (7) of the Housing (Northern Ireland) Order 1981(a) and now vested in it(b) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel(c) hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Homes Insulation Scheme and Grants Order (Northern Ireland) 1991 and shall come into operation on 18th March 1991.

(2) In this Order—

“grant” means a grant paid under Article 86(1) of the Housing (Northern Ireland) Order 1981; and

“the 1988 Order” shall be construed in accordance with Article 4.

Homes Insulation Scheme

2. The Department of Economic Development hereby makes the Homes Insulation Scheme (Northern Ireland) 1991 set out in the Schedule.

Amounts of grants

3. The grant shall be 95 per cent. of the cost of the works qualifying for it or £175 whichever is the lesser amount.

Revocation

4. Subject to Article 5 the Homes Insulation Scheme and Grants Order (Northern Ireland) 1988(d) (“the 1988 Order”) and the Homes Insulation Scheme and Grants (Amendment) Order (Northern Ireland) 1988(e) are hereby revoked.

(a) S.I. 1981/156 (N.I. 3)

(b) See S.R. 1984 No. 204

(c) Formerly Department of Finance: See S.I. 1982/338 (N.I. 6) Art. 3

(d) S.R. 1988 No. 69 as amended by S.R. 1988 No. 361

(e) S.R. 1988 No. 361

Transitional provisions

5.—(1) The 1988 Order, as it had effect immediately before 17th November 1988, shall continue to apply in relation to any applications for grant made before that date but on or after 11th April 1988 as if this Order had not been made.

(2) The 1988 Order as it had effect immediately before 18th March 1991 shall continue to apply in relation to any applications for grant made before that date but on or after 17th November 1988 as if this Order had not been made.

Sealed with the Official Seal of the Department of Economic Development on 6th February 1991.

(L.S.)

J. E. Wolstencroft

Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Order.

Sealed with the Official Seal of the Department of Finance and Personnel on 6th February 1991.

(L.S.)

R. A. H. Millar

Assistant Secretary

The Homes Insulation Scheme (Northern Ireland) 1991*Interpretation*

1.—(1) Any reference in this Scheme to a British Standard shall be construed as a reference to—

- (a) a British Standard published by the British Standards Institution; or
- (b) a national technical specification of a Member State of the European Community which provides an equivalent standard of performance.

(2) In this Scheme—

“insulated additional roof space” means roof space which has been added to the dwelling by works of improvement and in all or any part of which there is insulation material of a thickness of 50 mm or more;

“roof space” means space between the roof of a house and the ceiling of any room, which is used or available for use for the purposes of living accommodation and which is not wholly separated from the roof by any other room; and

“spouse” means the applicant’s husband or wife living with the applicant; or a person with whom the applicant is living as though they were husband and wife.

Specified insulation works

2.—(1) Subject to the provisions of this Scheme, grant will be available for the following insulation works:—

- (a) the provision in any roof space, other than insulated additional roof space of insulating materials which conform to the requirements of British Standard 5803: Parts 1 and 2: 1985 and are of a thickness of 150 mm or more;
- (b) where there is no means of access to any roof space for the purpose of carrying out the insulation works referred to in sub-paragraph (a), the provision of such a means of access, including a permanent means of access;
- (c) the insulation of any cold water tank in any roofspace to a thickness of 75 mm or more with insulating material having a thermal conductivity no greater than 0.05W/mK and of any water supply, overflow and expansion pipes in a manner which conforms to the requirements of clause 10.4 of section 2 of BS 6700: 1987;
- (d) the provision for any hot water tank or cylinder, which is not already insulated by any means, of a jacket conforming to British Standard 5615: 1985 or, if there is insufficient space for such a jacket, of other means of insulation which provides such equivalent standard of performance as is reasonably practicable in the circumstances.

(2) Grant shall only be available where at the completion of the insulation works:—

- (a) in the case of works mentioned in paragraph (1)(a), insulation material has been provided in accordance with that sub-paragraph throughout the area of the roof space except for any area:—
 - (i) to which it is not reasonably practicable to obtain or provide means of obtaining access;
 - (ii) where the absence of insulation is necessary for adequate ventilation of the roof space;

- (iii) which is below a water tank; or
 - (iv) which is insulated additional roof space;
 - (b) in the case of works mentioned in paragraph (1)(c), all cold water tanks in any roof space insulated under this Scheme, and all water supply, overflow and expansion pipes in any such roof space which were not insulated at the start of those works are insulated in accordance with that sub-paragraph; and
 - (c) in the case of works mentioned in paragraph (1)(d), all hot water tanks or cylinders which were not insulated at the start of those works are insulated in accordance with that sub-paragraph.
- (3) Grant shall only be available for the insulation works mentioned in paragraph (1)(b), (c) or (d) where at the same time as any such insulation works are carried out the insulation works referred to in paragraph (1)(a) are also carried out.

Cases in which grant is to be available

3.—(1) A grant for any dwelling under this Scheme is to be made only where there is an application on grounds of special need.

(2) In this paragraph “application on the grounds of special need” means an application made by a person who, or whose spouse, is at the time of application in receipt of income support, family credit or housing benefit within the meaning of Part III of the Social Security (Northern Ireland) Order 1986(a).

Description of houses qualifying for grant

4.—(1) The houses qualifying for a grant under this Scheme are all houses other than:—

- (a) those without any roof space;
 - (b) those in respect of which a grant has already been paid under the Homes Insulation (Northern Ireland) Order 1978(b) or Article 86 of the Housing (Northern Ireland) Order 1981; and
 - (c) subject to paragraph (2), those in which there is, or has been at any time during the subsistence of the applicant’s interest in the house, insulation material of a thickness of 50 mm or more in all or any part of any roof space.
- (2) A house which is excluded from qualifying for a grant under paragraph (1)(c) shall qualify if all the insulation material of a thickness of 50 mm or more in the roof space:—
- (a) is insulating a water tank, cylinder, water supply pipe or overflow or expansion pipe; or
 - (b) is in insulated additional roof space.

Persons for whom applications are to be entertained

5.—(1) Subject to paragraph (2), the following are the persons from whom applications for grant are to be entertained in respect of any house within the description specified in Article 4:—

- (a) the person in occupation of such a house;
- (b) where the house is unoccupied, the person entitled to occupy it; and
- (c) where the house is subject to a tenancy or licence, the landlord or licensor, as the case may be.

(a) S.I. 1986/1888 (N.I. 18)

(b) S.I. 1978/1406 (N.I. 22) repealed by S.I. 1981/156 (N.I. 3)

(2) An application made by a public authority shall not be entertained.

(3) In this Article "public authority" means a public body established by or under any statutory provision or a housing association for the time being registered in the register of housing associations established under Article 124 of the Housing (Northern Ireland) Order 1981 other than one whose rules restrict membership to persons who are tenants or prospective tenants of the association and preclude the granting or assigning of tenancies to persons other than members.

(4) In paragraph (3) "housing association" means a housing association within the meaning of Article 114 of the Housing (Northern Ireland) Order 1981.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order, which comes into operation on 18th March 1991, revokes the Homes Insulation Scheme and Grants Order (Northern Ireland) 1988 and the Homes Insulation Scheme (Northern Ireland) 1988 contained therein and substitutes a revised Scheme — the Homes Insulation Scheme (Northern Ireland) 1991 ("the new Scheme").

Under the new Scheme grant continues to be payable by the Northern Ireland Housing Executive under Article 86 of the Housing (Northern Ireland) Order 1981 for the provision of insulation to a required standard in the roof space, to the cold water tank and water supply pipes in the roof space and to the hot water cylinder in those dwellings possessing an uninsulated roof space immediately above living accommodation. Where there is no means of access to any roof space for the purpose of carrying out these insulation works, grant may be paid (within the maximum stipulated below) on the provision of such a means of access, including a permanent means of access. Owners, tenants and persons in occupation of a house may apply for grant only on the grounds of special need. An application on grounds of special need may be made by an applicant who, or whose spouse, at the time of the application is in receipt of income support, family credit or housing benefit.

The new Scheme does, however, make the following changes of substance.

- (1) The rate of grant is 95% (instead of 90%) of the cost of works qualifying for grant or £175 (instead of £144), whichever is the less.
- (2) Changes are made to the methods for determining which insulating material meets the required standard for the purposes of grant aid by
 - (a) omitting the list of materials which may be provided in any roof space;
 - (b) and instead requiring that materials provided in a roof space and those used for the insulation of water supply, overflow or expansion pipes meet certain specified British Standards or the national technical specifications of other Member States of the European Community which provide equivalent standards of performance;

- (c) providing that the material used for insulating a cold water tank in any roof space must be not less than 75 mm thick and have a normal conductivity no greater than 0.05W/mK.
- (3) With certain exceptions grant shall be available where existing insulating material in all or any part of a roof space is of a thickness of less than 50 mm, compared to 30 mm previously.
- (4) The insulation of a roof space shall be to a thickness of at least 150 mm in order to qualify for grant.
- (5) The restriction on houses completed after 1st October 1977 qualifying for grant aid is abolished.

Transitional provisions are made for applications for grant made before the coming into operation of this Order.