

1992 No. 378

HOUSING

**Housing (Replacement Grant) Regulations
(Northern Ireland) 1992**

Made 25th August 1992

Coming into operation 1st October 1992

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2) and 73 of the Housing (Northern Ireland) Order 1992(a) and every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Housing (Replacement Grant) Regulations (Northern Ireland) 1992 and shall come into operation on 1st October 1992.

Interpretation

2. In these regulations—

“building warranty agreement” means an insurance backed protection scheme which provides for insolvency protection during construction and on completion of the dwelling a minimum 10-year guarantee period for major structural defects;

“replacement grant” means grant payable under Article 73 of the 1992 Order;

“rural area” means an area identified by the Executive and approved by the Department;

“the 1992 Order” means the Housing (Northern Ireland) Order 1992.

Application

3. These regulations shall apply to any dwelling house which is unfit for human habitation and which is an isolated dwelling situated in a rural area.

Replacement grant

4. Articles 38, 40, 41, 44, 45, 46, 47, 48, 56, 57, 58, 62, 63, 70 and 71 of the 1992 Order shall apply to replacement grants under Article 73 of the 1992 Order as if the references in those provisions to renovation grant were references to replacement grant without any modifications.

(a) S.I. 1992/1725 (N.I. 15); Article 2(2) is cited because of the meaning assigned in that provision to the words “the Department” and “prescribed”

5. The provisions of the 1992 Order specified in the Schedule shall apply to replacement grants under Article 73 of the 1992 Order as if the references in those provisions to renovation grant were references to replacement grant subject to the further modification specified in that Schedule.

Sealed with the Official Seal of the Department of the Environment on
25th August 1992.

(L.S.)

F. Rodgers

Assistant Secretary

The Department of Finance and Personnel approves these regulations.

Sealed with the Official Seal of the Department of Finance and Personnel
on 25th August 1992.

(L.S.)

R. Millar

Assistant Secretary

<i>Provisions of the Housing (Northern Ireland) Order 1992 applied</i>	<i>Modifications</i>
Article 39 (Grants for improvements and repairs)	Omit paragraph (1). In paragraph (2)(a) omit the words from “relating” to “is”.
Article 42 (Interest of the applicant in the property)	For sub-paragraph (a) of paragraph (1) substitute— “(a) the applicant— (i) has had an owner’s interest in every parcel of land on which the relevant works are to be carried out during the period of 5 years prior to the application; or (ii) proposes to acquire such an interest; or (iii) has inherited the property.”.
Article 50 (Duty to approve applications to render certain dwellings fit for human habitation)	In paragraph (1) omit the words from “other than” to “other building”. For paragraph (4) substitute— “Before deciding whether replacement is the most appropriate course of action the Executive shall carry out an investment appraisal in a manner agreed by the Department with the consent of the Department of Finance and Personnel.”.
Article 54 (Approval and refusal of applications)	In sub-paragraph (b) of paragraph (2) for the words “in its opinion” substitute the words “, taking into account the total indicative costs contained in the Department’s Consolidated Scheme Control Document as it relates to new build schemes,”.
Article 55 (Payment of grants)	In paragraph (3) at the end of sub-paragraph (a) delete the word “and”, at the end of sub-paragraph (b) delete the full stop and insert “; and” and add the following new sub-paragraphs— “(c) the original dwelling being demolished; (d) the completed dwelling complying with all statutory requirements; and (e) the dwelling being constructed by a builder providing a building warranty agreement.”.

<i>Provisions of the Housing (Northern Ireland) Order 1992 applied</i>	<i>Modifications</i>
Article 59 (Conditions requiring repayment of a grant in cases of certain disposals where owner- occupation certificate given)	In paragraph (2)— (a) for the words “3 years” substitute the words “5 years”; and (b) for the words “one-third” substitute the words “one-fifth”. In sub-paragraph (b) of paragraph (3) for the words “3 years” substitute the words “5 years”.
Article 64 (Renovation grants relating to 2 or more dwellings)	Omit paragraphs (2) and (3).

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations make provision for the payment of grant towards the cost of the replacement of dwellings under Article 73 of the Housing (Northern Ireland) Order 1992 (“the 1992 Order”).

Regulation 3 provides for the application of the regulations to dwelling houses which are unfit for human habitation and which are isolated dwellings situated in rural areas.

Regulation 4 provides for the following Articles of the 1992 Order to be applied to replacement grant, without modifications, in the same manner that they apply for renovation grant—

Article 38 (Interpretation of the chapter).

Article 40 (Applications for grants).

Article 41 (Age of the property).

Article 44 (Certificate as to future occupation).

Article 45 (Certain dwellings and works excluded from grant aid).

Article 46 (Restriction on grants for works already begun).

Article 47 (Owner-occupiers and tenants).

Article 48 (Landlords).

Article 56 (Conditions as to completion of works).

Article 57 (Conditions as to availability for letting).

Article 58 (Conditions requiring repayment of grant in case of certain disposals where certificate of intended letting given).

Article 62 (Meaning of relevant disposal and exempt disposal for the purposes of Articles 58 to 61).

Article 63 (Repayment of grant).

Article 70 (Persons entitled to grant).

Article 71 (Cases in which grants may be recalculated, withheld or repaid).

Regulation 5 provides for the Articles from the 1992 Order specified in the Schedule to these regulations to be applied, with the modifications described in that Schedule, to replacement grant in the same manner that they apply for renovation grant. The principal modifications are—

- (i) Article 42(1)(a) — the applicant is required to have a specified owner's interest for at least 5 years prior to the date of application, or proposes to acquire such an interest or has inherited the property.
- (ii) Article 50(4) — an investment appraisal must be carried out before deciding whether replacement of the dwelling is the most satisfactory course of action.
- (iii) Article 54(2)(b) — the total indicative costs contained in the Department's Consolidated Scheme Control Document relating to new build schemes must be taken into account when calculating the amount of expenses which are properly to be incurred.
- (iv) Article 55(3) — in addition to the existing grant conditions payment of grant is conditional on the original dwelling being demolished, the new dwelling complying with all statutory requirements and the new dwelling being constructed by a builder who provides insurance protection against structural defects for a minimum of 10 years.
- (v) Article 59(2) and (3)(b) — the period during which the dwelling may not be disposed of is increased from 3 to 5 years and the ratio by which grant is to be repaid is reduced from one-third to one-fifth. The period during which the statutory charge remains in force is increased from 3 to 5 years.