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DRAFT STATUTORY INSTRUMENTS

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**2003 No.**

**The Housing (Northern Ireland) Order 2003**

**PART III**

**GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING**

**CHAPTER IV**

**HOME REPAIR ASSISTANCE**

**Entitlement to home repair assistance**

**107.**—(1) Subject to the following provisions of this Article, the Executive shall not entertain an application for home repair assistance unless it is satisfied—

- (a) that the applicant is aged 18 or over on the date of the application,
- (b) that he lives in the dwelling as his only or main residence,
- (c) that he has an owner's interest in the dwelling, or is a tenant of the dwelling, alone or jointly with others, and
- (d) that he has a duty or power to carry out the works in question.

(2) In the case of an application in respect of works to adapt a dwelling to enable an elderly or infirm person to be cared for, the condition in paragraph (1)(b) shall be treated as met if the elderly or infirm person (whether or not the applicant) lives or proposes to live in the dwelling as his only or main residence.

(3) For the purposes of the condition in paragraph (1)(c) "tenant" includes—

- (a) a person who has a protected tenancy or statutory tenancy,
- (b) an employee (whether full-time or part-time) who occupies the dwelling or flat concerned for the better performance of his duties.

(4) For the purposes of the condition in paragraph (1)(c) "tenant" does not include—

- (a) a person who is a tenant of a dwelling-house at a time when the estate of the landlord under the tenancy belongs to—
  - (i) the Crown (whether in right of Her Majesty's Government in the United Kingdom or in Northern Ireland),
  - (ii) a government department (including a department of the Government of the United Kingdom),
  - (iii) the Executive, or
  - (iv) a registered housing association; or
- (b) a person of such other description as the Department may prescribe.

(5) An application may be made by a person who does not satisfy the condition in paragraph (1)(c) but who occupies the dwelling under a right of exclusive occupation granted for his life or for a period of more than 5 years.