
DRAFT STATUTORY INSTRUMENTS

2003 No.

The Housing (Northern Ireland) Order 2003

PART III

GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING

CHAPTER II

THE MAIN GRANTS

Renovation grants

Renovation grants: owner's applications and tenant's applications

40.—(1) The Executive shall not entertain an application for a renovation grant unless it is satisfied—

- (a) that the applicant has, or proposes to acquire, an owner's interest in every parcel of land on which the relevant works are to be carried out, or
- (b) in the case of an application other than a conversion application, that the applicant is a qualifying tenant of the dwelling (alone or jointly with others) but does not have, or propose to acquire, an owner's interest in the dwelling.

(2) References in this Chapter to an "owner's application" or a "tenant's application", in relation to a renovation grant, shall be construed accordingly.

(3) In accordance with directions given by the Department, the Executive may treat the condition in paragraph (1)(a) as met by a person who has, or proposes to acquire, an owner's interest in only part of the land concerned.

(4) References in this Chapter to "a qualifying owner's interest", in relation to an application for a renovation grant, are to an owner's interest meeting the condition in paragraph (1)(a) or treated by virtue of paragraph (3) as meeting that condition.

(5) In this Chapter a "qualifying tenant", in relation to an application for a renovation grant, means a person who (alone or jointly with others) is a tenant of the premises to which the application relates—

- (a) who—
 - (i) is required by the terms of his tenancy to carry out the relevant works,
 - (ii) who signed an agreement in respect of the tenancy before the day appointed for the coming into operation of this Article,and whose tenancy is not of a description excluded from this paragraph by an order of the Department, or
- (b) whose tenancy is of a description specified for the purposes of this paragraph by order of the Department.

(6) In paragraph (5) “tenant” includes a person having a licence to occupy the premises concerned which satisfies such conditions as may be specified by order of the Department.

References in this Chapter to tenants and other expressions relating to tenancies, in the context of a tenant’s application for a renovation grant, shall be construed accordingly.

Renovation grants: certificates required in case of owner’s application

41.—(1) The Executive shall not entertain an owner’s application for a renovation grant unless it is accompanied by an owner-occupation certificate or a certificate of intended letting in respect of the dwelling to which the application relates or, in the case of a conversion application, in respect of each of the dwellings to be provided.

(2) An “owner-occupation certificate” certifies that the applicant—

- (a) has or proposes to acquire a qualifying owner’s interest, and
- (b) intends that throughout the grant condition period he or a member of his family will live in the dwelling as his (or that member’s) only or main residence.

(3) A “certificate of intended letting” certifies that the applicant—

- (a) has or proposes to acquire a qualifying owner’s interest, and
- (b) intends that throughout the grant condition period the dwelling will be let or available for letting as a residence (and not for a holiday) to a person who is not connected with the owner for the time being of the dwelling.

In sub-paragraph (b) “letting” does not include a letting on a long tenancy.

(4) In paragraph (3) references to letting include the grant of a licence to occupy premises.

References in this Chapter to tenants and other expressions relating to tenancies, in the context of a certificate of intended letting, shall be construed accordingly.

Renovation grants: certificates required in case of tenant’s application

42.—(1) The Executive shall not entertain a tenant’s application for a renovation grant unless it is accompanied by a tenant’s certificate.

(2) A “tenant’s certificate” certifies—

- (a) that the applicant is a qualifying tenant of the dwelling, and
- (b) that he or a member of his family intends to live in the dwelling as his (or that member’s) only or main residence.

(3) Except where the Executive considers it unreasonable in the circumstances to seek such a certificate, the Executive shall not entertain a tenant’s application for a renovation grant unless it is also accompanied by a certificate of intended letting (see Article 41(3)) by the person who at the time of the application is the landlord under the tenancy.

Renovation grants: purposes for which grant may be given

43.—(1) The purposes for which an application for a renovation grant, other than a conversion application, may be approved are the following—

- (a) to comply with a notice under Article 41 of the Order of 1981 (repair notices) or otherwise to render a dwelling fit for human habitation;
- (b) to put the dwelling in reasonable repair;
- (c) to provide adequate facilities for space heating;
- (d) to provide satisfactory internal arrangements;

- (e) to provide means of escape in case of fire or other fire precautions, not being precautions required under or by virtue of any statutory provision (whenever made);
- (f) to ensure that the dwelling complies with such requirements with respect to construction or physical condition as may be specified by the Department;
- (g) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the dwelling as are so specified;
- (h) any other purpose for the time being specified for the purposes of this Article by order of the Department.

(2) The purpose for which a conversion application may be approved is to provide one or more dwellings by the conversion of a house or other building.

(3) If in the opinion of the Executive the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in paragraph (1) or (2), the Executive may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to it to be necessary for that purpose.

(4) The reference in sub-paragraph (e) of paragraph (1) to precautions required under or by virtue of a statutory provision does not include precautions required to comply with a notice under Article 80 of the Order of 1992 (notice requiring execution of works to render house in multiple occupation fit for number of occupants) so far as it relates to premises which are not part of a house in multiple occupation for the purposes of this Part.

(5) In exercise of the powers conferred by sub-paragraphs (f) and (g) of paragraph (1) the Department may specify requirements generally or for particular cases.

Renovation grants: approval of application

44.—(1) The Executive may approve an application for a renovation grant if it thinks fit, subject to the following provisions.

(2) The Executive shall not approve an application for a renovation grant unless it is satisfied that the works are necessary for one or more of the purposes set out in Article 43(1) or (2).

(3) Where the Executive entertains an owner's application for a renovation grant made by a person who proposes to acquire a qualifying owner's interest, it shall not approve the application until it is satisfied that he has done so.

(4) Where the Executive proposes to approve an application for a renovation grant, it shall consider whether the premises to which the application relates are fit for human habitation.

(5) If it appears to the Executive that the premises are not fit for human habitation, the Executive shall not approve the application unless it is satisfied—

- (a) that on completion of the relevant works, together with any other works proposed to be carried out, the premises will be fit for human habitation;
- (b) that there are satisfactory financial and other arrangements for carrying out those works, and
- (c) that the carrying out of the works is the most satisfactory course of action.

(6) In considering whether to approve an application for a renovation grant the Executive shall have regard to the expected life of the building (taking account, where appropriate, of the effect of carrying out the works).