STATUTORY RULES OF NORTHERN IRELAND

2003 No. 465

HOUSING

The Housing Replacement Grant Regulations (Northern Ireland) 2003

Made - - - -	*3rd November 2003*
Coming into operation	*1st December 2003*

The Department for Social Development(**1**), in exercise of the powers conferred by Articles 73(**2**) and 108(2) of the Housing (Northern Ireland) Order 1992(**3**) and now exercisable by it(**4**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Replacement Grant Regulations (Northern Ireland) 2003 and shall come into operation on 1st December 2003.

(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 a 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

2.—(1) These regulations shall apply to any dwelling house which is unfit for human habitation and which is in a rural area.

(2) These regulations shall not have effect in relation to an application for a replacement grant made before 1st December 2003.

(**1**) S.I.1999/283 (N.I. 1) Article 3(1)
(**2**) *See* Article 120(5) of S.I. 2003/412 (N.I. 2). Article 73(5) was repealed by Article 149 of and Schedule 5 to S.I. 2003/412 (N.I. 2)
(**3**) S.I. 1992/1725 (N.I. 15); *see* Article 2(2) for the definition of "the Executive"
(**4**) S.R. 1999 No. 481 Article 6(e) and Schedule 4 Part V

Replacement Grant

3. Articles 38, 40, 41, 56, 62 and 63 of the 1992 Order shall apply to replacement grants as if the references in those provisions to renovation grant were references to replacement grant without any modifications.

4. The provisions of the 1992 Order specified in Column 1 of the Schedule shall apply to replacement grants as if the references in those provisions to renovation grant were references to replacement grant subject to the modification specified in Column 2 of that Schedule.

Revocation and Savings

5.—(1) Subject to paragraph (2), the Housing (Replacement Grant) Regulations (Northern Ireland) 1992(**5**) and the Housing (Replacement Grant) (Amendment) Regulations (Northern Ireland) 1995(**6**) are hereby revoked.

(2) The Housing (Replacement Grant) Regulations (Northern Ireland) 1992 and the Housing (Replacement Grant) (Amendment) Regulations 1995 shall continue to apply to an application for replacement grant made before 1st December 2003.

Sealed with the Official Seal of the Department for Social Development on 3rd November 2003.

D. M. Crothers
A senior officer of the
Department for Social Development

(**5**) S.R. 1992 No. 378
(**6**) S.R. 1995 No. 242

SCHEDULE Regulation 4

Column 1 *Provisions of the 1992 Order*	Column 2 *Modifications*
Article 39 (Grants for Improvements and Repairs)	In paragraph (1) omit the ";" and the word "and" after sub-paragraph (a) and omit sub-paragraphs (b) and (c). In paragraph (2) – (i) in sub-paragraph (a) after the word "dwelling" omit the words "or to the provision of dwellings by the conversion of a house or other building" and (ii) at the end of sub-paragraph (a) omit the words from the ";" to the end of the paragraph. Omit paragraph (3).
Article 42 (The interest of the applicant in the property)	For sub-paragraph (a) of paragraph (1) substitute – "(a) the applicant – (i) has an owner's interest in every parcel of land on which the relevant works are to be carried out and resides in the dwelling; or (ii) has either an owner's interest but does not reside in the dwelling or proposes to acquire such an interest, and – (aa) (in either case), in the opinion of the Executive the applicant is in housing need as determined by the Executive under the Common Selection Scheme and has strong social and economic ties to the local area; or (bb) the Executive is satisfied that there is a housing need in the local area; or". In sub-paragraph (b) of paragraph (2) for "5 years" substitute "10 years".

Column 1 *Provisions of the 1992 Order*	Column 2 *Modifications*
Article 44 (Certificate as to future occupation etc)	In sub-paragraph (b) of paragraph (2) omit the words "or, as the case may be, a flat in the building" and the words "for a period of not less than 12 months beginning on the certified date". In paragraph (4) omit the words "or building" and the words "or, as the case may be, one or more of the flats in the building". Omit paragraphs (5) and (8).
Article 46 (Restriction on grants for works already begun)	For paragraph (2) substitute the following paragraph – "(2) Paragraph (1) does not apply to an application for a grant in respect of works necessary to render a dwelling fit for human habitation or to comply with a notice under Article 41 of the Order of 1981 (repair notices).".
Article 47 (Owner-occupiers and tenants)	In paragraph (1) omit the words "with the consent of the Department of Finance and Personnel" and in paragraph 2 omit the words "made with the consent of the Department of Finance and Personnel".
Article 48 (Landlords)	In sub-paragraph (b) of paragraph (3) for "rent officer" substitute "suitably qualified person".
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)". In paragraph (2) – (i) at the end of sub-paragraph (c) add the following sub-paragraph – "and (d) considers that there are satisfactory financial and other arrangements for carrying out the works,"; (ii) in the penultimate line for "shall" substitute "may". Omit paragraph (3). For paragraph (4) substitute – "(4) 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.".