
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 464

HOUSING

**The Home Repair Assistance Grant
Regulations (Northern Ireland) 2003**

Made - - - - *3rd November 2003*

Coming into operation *1st December 2003*

The Department for Social Development, in exercise of the powers conferred on it by Articles 109 and 148(1) of the Housing (Northern Ireland) Order 2003⁽¹⁾ and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

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

(2) In these Regulations –

“the 2003 Order” means the Housing (Northern Ireland) Order 2003;

“associated equipment” includes any plumbing fittings which are within the pipe work or are necessary to connect the pipe to the tap or main and includes, where the supply of water is indirect, the storage tank;

“assistance” means home repair assistance;

“housing benefit” means housing benefit under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽²⁾;

“income-based jobseeker’s allowance” means an income-based jobseeker’s allowance under Article 3(4) of the Jobseeker’s (Northern Ireland) Order 1995⁽³⁾;

“pension credit” means state pension credit under section 2 of the State Pension Credit Act (Northern Ireland) 2002⁽⁴⁾;

“property” means a dwelling or mobile home;

“income support” means income support under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

(1) S.I.2003/412 (N.I. 2); see Article 2(2) for the definitions of “the Department” and “the Executive”

(2) 1992 c. 7

(3) S.I. 1995/2705 (N.I. 15); the definition of “an income-based jobseeker’s allowance” was amended by paragraph 3(4) of Schedule 7 to S.I. 1999/3147 (N.I. 11)

(4) 2002 c. 14 (N.I.)

“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002(5).

Applications for assistance

2.—(1) Subject to paragraph (2), the Executive shall not entertain an application for assistance unless it is satisfied that the applicant or his partner is in receipt of income support, income-based jobseeker’s allowance, housing benefit or working tax credit.

(2) The condition in paragraph (1) does not apply –

- (a) to an applicant who is elderly, disabled or infirm, or
- (b) in respect of works to adapt a property to enable an elderly or infirm person, who lives or proposes to live in the property, to be cared for.

Making an application for assistance

3. All applications for assistance shall be in writing and shall contain the information specified in Schedule 1.

Works qualifying for assistance

4. The works specified in Schedule 2 may qualify for assistance in the form of grant or the provision of materials or both subject to the total amount or value specified in regulation 3 of the Housing Renovation etc. Grants (Grant Limit) Order (Northern Ireland) 2003(6).

Dealing with applications for assistance

5. Applications for assistance shall be dealt with in accordance with Schedule 3.

Effect

6. These Regulations shall not have effect in relation to applications for grant under Article 69 of the Order of 1992 made before 1st December 2003.

Revocation and Savings

7.—(1) Subject to paragraph (2) the Assistance for Minor Works to Dwellings Regulations (Northern Ireland) 1992(7), the Assistance for Minor Works to Dwellings (Lead Pipes) Order (Northern Ireland) 1992(8), the Assistance for Minor Works to Dwellings (Amendment) Regulations (Northern Ireland) 1997(9) and the Assistance for Minor Works to Dwellings (Amendment) Regulations (Northern Ireland) 2000(10) are hereby revoked.

(2) The Assistance for Minor Works to Dwellings Regulations (Northern Ireland) 1992, the Assistance for Minor Works to Dwellings (Lead Pipes) Order (Northern Ireland) 1992, the Assistance for Minor Works to Dwellings (Amendment) Regulations (Northern Ireland) 1997 and the Assistance for Minor Works to Dwellings (Amendment) Regulations (Northern Ireland) 2000 shall continue to apply to an application for a grant made before 1st December 2003.

(5) 2002 c. 21
(6) S.R. 2003 No. 463
(7) S.R. 1992 No. 377
(8) S.R. 1992 No. 376
(9) S.R. 1997 No. 79
(10) S.R. 2000 No. 61

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

L.S.

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 3

CONTENT OF APPLICATION

1. The name and address of the applicant.
2. The date of birth of the applicant.
3. Whether the applicant is elderly, disabled or infirm.
4. Whether the applicant or his partner is in receipt of income support, an income-based jobseeker's allowance, working tax credit, or housing benefit.
5. Whether the works are to adapt a property to enable an elderly or infirm person, who lives or proposes to live in the property as his only or main residence, to be cared for.
6. The address of the property to which the application relates.
7. Whether the property is a dwelling or a mobile home.
8. Whether the mobile home qualifies as a dwelling for the purpose of payment of rates and the applicant is in lawful occupation of the mobile home.
9. Whether the applicant lives in the property as his only or main residence.
10. Whether the applicant –
 - (a) has an owner's interest in the property;
 - (b) is a tenant of the property, or
 - (c) occupies the property under a right of exclusive occupation granted for his life or for a period of more than five years.
11. Where the applicant is a tenant whether the owner is –
 - (a) the Crown,
 - (b) a government department (including a department of the Government of the United Kingdom),
 - (c) the Executive, or
 - (d) a registered housing association.
12. A description of the works.
13. Whether the works relate to means of escape from fire or other fire precautions.
14. Confirmation that the applicant has a duty or power to carry out the works.
15. The name and address of the person who will carry out the works.
16. An estimate of the cost to the applicant of the works.
17. Confirmation that the works are not, so far as the applicant is aware –
 - (a) works for which a grant under Chapter II of Part III of the 2003 Order has been approved or for which an application for a grant is pending; or
 - (b) works which are specified in a group repair scheme approved under Chapter III of that Part or prepared and awaiting approval.
18. Details of the amount or value of any home repair assistance given in respect of the property in the period of three years immediately preceding the date of application.
19. The signature of the applicant or his agent.

SCHEDULE 2

Regulation 4

WORKS WHICH MAY QUALIFY FOR ASSISTANCE

1. The Executive may give assistance in respect of the works set out in paragraphs 2 to 6.
2. Works of repair to a property –
 - (a) which, at the time of the application, is included in a clearance area, within the meaning of Article 32 of the Order of 1981, or a re-development area, within the meaning of Chapter III of Part III of that Order, or
 - (b) which the Executive intends to include in such a clearance area or a re-development area within the period of 12 months beginning on the date of the application.
3. Works for one or more of the purposes specified in Article 43(1) of the 2003 Order.
4. Works to adapt a property to enable an elderly or infirm person, who is not an owner or tenant of the property but who is or proposes to be resident in the property, to be cared for.
5. Works to a property occupied by a disabled person for one or more of the purposes mentioned in Article 54(1) of the 2003 Order.
6. Works for –
 - (a) the replacement of –
 - (i) the whole or part of a pipe which is made wholly or substantially of lead and which connects (directly or indirectly) to the main a tap which is used mainly for supplying water for drinking or cooking in a property, and
 - (ii) any associated equipment,by a pipe and any associated equipment not made of lead, which will connect that tap directly or where that is not practicable, indirectly to the main, and
 - (b) the replacement of the electrical earthing arrangements of that property where these use such a lead pipe which is being replaced in the circumstances described in subparagraph (a).
7. For the purposes of paragraph 6, a pipe connects directly to the main if the water at the tap is subject to water pressure from the main, or would be so subject but for the closing of a valve.

SCHEDULE 3

Regulation 5

DEALING WITH APPLICATIONS

1. As soon as practicable after receiving an application, and in any case within six months from the receipt of the application, the Executive shall by notice in writing inform the applicant whether or not it proposes to give assistance.
2. If the Executive proposes to give assistance, it shall state the nature and value of any materials it intends to provide and the amount of any grant it intends to make.
3. If the Executive does not propose to give any assistance, it shall inform the applicant of its reasons for not doing so.
4. The Executive shall carry out such inspections of the works or obtain such certificates from the persons carrying them out as are necessary to ensure that they are carried out to a reasonable standard.

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations deal with entitlement to home repair assistance under Chapter IV of Part III of the Housing (Northern Ireland) Order 2003, the manner of making an application for such assistance, the content of, and the procedure for dealing with, such applications.

Regulation 2 provides that the Executive shall not entertain an application unless it is satisfied that the applicant or his partner is in receipt of certain benefits. Applications made by persons who are elderly, disabled or infirm, as well as applications in respect of works to adapt a property to enable an elderly or infirm, person to be cared for, are exempt from this provision.

Regulation 3 provides that all applications are to be made in writing and are to contain the information specified in Schedule 1.

Regulation 4 provides that assistance may be given in materials or grant in respect of the works specified in Schedule 2.

Regulation 5 and Schedule 3 provide for the procedure for dealing with applications and for ensuring that the works are carried out to a reasonable standard.

Regulation 6 provides that the Regulations do not apply to applications made before 1st December 2003.

Regulation 7 revokes certain provisions with savings for transitional purposes.

Schedule 1 specifies the information to be provided on the application form and Schedule 2 the works that may qualify for assistance.

Schedule 3 also sets out the actions to be taken by the Executive when dealing with an application.