L.N. 9 of 1992

HOME OWNERSHIP (ENCOURAGEMENT) ACT, 1988

(ACT NO. XXVIII OF 1988)

Home Ownership (Encouragement) (Subsidy on Adaptation Works Scheme) Regulations, 1992

IN exercise of the powers conferred by section 3 of the Home Ownership (Encouragement) Act, 1988, the Director of Social Housing, with the approval of the Parliamentary Secretary in the Ministry for Social Policy with responsibility for Housing, has made the following regulations:—

Citation.

1. These regulations may be cited as the Home Ownership (Encouragement) (Subsidy on Adaptation Works Scheme) Regulations, 1992, and their aim is to encourage people who live in low standard housing to improve their homes.

Making of Scheme.

2. The Scheme entitled Subsidy on Adaptation Works by Tenants in Private Dwellings Scheme, 1992 (Scheme SHD 15A) in the Schedule to these regulations shall have effect from the coming into force of these regulations and shall expire on the 31st July, 1992.

SCHEDULE

(Regulation 2)

Subsidy on Adaptation Works by Tenants in Private Dwellings Scheme, 1992 (Scheme SHD 15A)

Citation.

1. This Scheme may be cited as the Subsidy on Adaptation Works by Tenants in Private Dwellings Scheme, 1992 (Scheme SHD 15A) and shall apply to applications for assistance in the adaptation and improvement of places of habitation that are privately owned and leased and occupied by persons for whom this Scheme applies.

Interpretation.

2. In this Scheme unless the context otherwise requires:—

"applicant" means a person who applies for assistance under this Scheme for the carrying out by him of adaptation or improvement works in a dwelling-house that is occupied by him as his ordinary residence;

"the Authority" means the Housing Authority established by section 3 of the Housing Authority Act; Cap. 261.

"basic year" means the year immediately preceding the year in which an application under this Scheme is made;

"beneficiary" has the same meaning assigned to it in section 2 of the principal Act;

"the Director" means the Director of Social Housing and includes any person authorised to act in his behalf;

"dwelling-house" has the same meaning assigned to it in section 2 of the principal Act;

"Government" means the Government of Malta;

"ordinary residence" does not include a summer residence;

"prescribed" means prescribed by the Director;

"the principal Act" means the Home Ownership (Encouragement) Act, 1988;

"recognised tenant" means a person who holds a dwelling-house by title of lease and is recognised as such by the owner of the house and/or by the Director;

"total annual income" has the same meaning assigned to it in clause 5 of this Scheme.

Application for assistance.

3. (1) Those who qualify under this Scheme may apply on the prescribed form to the Director asking for assistance for work in repair, or improvement or both, of the kinds specified in clause 8 of this Scheme, in the place of habitation occupied by themselves as their ordinary residence.

(2) A person shall qualify to make an application under this Scheme where, on the date of the application:

(a) the applicant or, in the case of a married couple, the applicant's spouse, is a citizen of Malta; and

(b) the applicant has been residing continuously in the premises for which he is requesting subsidy on adaptation works for not less than ten (10) consecutive years immediately preceding the date of his application; and

(c) the annual income of the applicant assessed in accordance with the provisions of clause 5 of this Scheme does not exceed two thousand and five hundred Maltese liri (Lm 2,500) for the basic year.

(3) A person shall not qualify to make an application under this Scheme where either the applicant himself, or his spouse, or both , have benefited under:

(a) any one of the schemes published in Government Notices 11 and 12 in the Government Gazette of the 6th January, 1987; or

(b) the scheme published in Government Notice No. 138 in the Government Gazette of the 20th February, 1987; or

(c) any one of the schemes published in Government Notices 124, 126, 127, 128, 129 and 130 in the Government Gazette of the 16th February, 1988; or

(d) any one of the schemes published in Legal Notices No. 137, 138, 139 and 140 in the supplement to the Government Gazette of the 7th September, 1990; or

(e) any assistance under what used to be known as the "Home Ownership Scheme" or from any other assistance for the encouragement of home ownership by the Department of Social Housing or by the Land Department or by the Authority or by any of them jointly.

(4) A person shall also not qualify to make an application under this Scheme if he has acquired land from the Government which has been expropriated by virtue of the provisions of the Building Development Areas Act. Cap. 303.

(5) Without prejudice to the provisions of clause 13, any expenses incurred by the applicant in connection with his application shall not be recoverable by the applicant whether or not his application is successful.

(6) A person who has already benefited under any scheme for the subsidisation of rent and/or under any scheme for assistance to handicapped persons shall not for that reason alone be disqualified from making an application under this Scheme.

Legally separated spouses.

4. An applicant who is legally separated from his spouse shall produce a copy of the final judgement of the competent court pronouncing separation or a copy of the public deed effecting separation by mutual consent of the spouses with the authority of the competent court.

Assessment of income.

5. (1) For the purposes of this Scheme, the total annual income of the applicant shall include:—

(a) gross gains or profits from any trade, business, profession or vocation excluding social insurance contributions;

(b) gross gains or profits from any employment or office excluding social insurance contributions and any earnings from working overtime;

(c) gross gains or profits arising from the sale of any property or from the carrying on or carrying out of any profit-making undertaking or scheme;

(d) dividends, interests or discounts;

(e) any pension, charge, annuity or annual payment;

(f) rents, royalties, premiums and any other profits arising from property;

(g) the value of any produce receivable in respect of the use of capital, property, seed or stock for the purpose of husbandry or any share of profits receivable in respect of such use;

(h) any social benefit or allowance excluding any Children's Allowance, Special Allowance, Parental Allowance and Handicapped Child Allowance payable under the Social Security Act, 1987;

Act X of 1987.

(i) any gains or profits falling under the descriptions in the foregoing paragraphs made by the applicant's spouse;

(j) any other gains or profits.

(2) Where the applicant, and in the case of a married couple, the applicant or his spouse, or both, were gainfully occupied during only a part of the basic year, the gains or profits from such occupation shall be projected *pro rata* for the whole basic year provided that the applicant, spouse or both, as the case may be, is gainfully occupied on the date the Director receives the application.

Information.

6. (1) The applicant shall give all that information regarding his financial means as he may be required to give by the Director and for this purpose he shall authorise the Commissioner of Inland Revenue, the Director of Social Security and any other person as may be necessary, to give the Director any information concerning his income during the basic year.

(2) The Director may require the applicant to sign any declaration he may consider necessary for the carrying out of this Scheme and the applicant shall allow the Director to inspect his ordinary residence and any other tenement held by him as the Director may require.

Lodgement of applications.

7. An application under this Scheme must either be lodged personally or by registered post by the applicant with the Director.

Adaptation or improvement works.

8. The adaptation and improvement works to which this Scheme applies are:

(a) installation or repair of the water system;

(b) installation or repair of the electricity system;

(c) installation or repair of the drainage systems;

(d) laying or substitution of tiles;

(e) installation of bathroom including a water tank on the roof;

(f) repair of a balcony;

(g) construction of stairs up to no more than 40 steps;

(h) construction of a well;

(i) construction, replacement or repair of doors and windows and of apertures pertaining to them:

Provided that the provisions of this Scheme shall not apply to any works commenced or carried out before the approval by the Director of the application made in respect of those works.

Cash grants.

9. (1) An applicant shall be allowed to benefit for one or more of the items specified in clause 8, and shall be awarded a cash grant that would amount to 80% of the total cost of the works to be carried out and approved by the Director; provided that the total amount of the said cash grant shall not exceed five hundred Maltese liri (Lm500).

(2) No one shall be allowed to benefit more than once under this Scheme.

Documents required.

10. Without prejudice to the provisions of clauses 7 and 9, for an application to be accepted under this Scheme, it must be accompanied by:

(a) a declaration from the applicant himself and his spouse and the said declaration must be made on the prescribed form which would be annexed to the application itself. A copy of the Declaration form is annexed to this notice. In his application the applicant and his spouse shall declare that all the information given in the application is correct and complete in all aspects; and

(b) all the documentation and certificates that the Director deems necessary, a list of which is printed on the last page of the prescribed application form itself.

Penalty for false declarations.

11. (1) If at any time it results that the applicant has made a false declaration for the purposes of any application made by him under the provisions of this Scheme the applicant, without prejudice to any punishment for which he may have become liable under any other law, shall be liable to the payment to the Director of a penalty equivalent to the amount of any grant received by the applicant under this Scheme.

(2) Any person who has made a false declaration as provided in sub-clause (1) of this clause shall be disqualified for a period of five years from benefiting from any scheme made with the approval of the Parliamentary Secretary responsible for housing.

Dwelling-houses having a historical value.

12. The Director shall not approve an application under this Scheme whereby, upon the advice of the Parliamentary Secretary responsible for Culture, it is not in the public interest that the dwelling house in question be structurally modified as proposed by the applicant, due to its historical value.

Written agreement.

13. Every person whose application, under the provisions of these regulations, has been approved by the Director, shall be requested to enter into a written agreement with the Director and, if

such person, when called upon to do so by the Director, fails to appear on the written agreement aforementioned, the application of that person and the approval of that same application by the Director shall be deemed to have been abandoned.

Right of refusal.

14. Notwithstanding anything contained in the foregoing provisions of this Scheme the Director shall have the right to refuse any application.

FORM "A"

Declaration by the applicant and his/her spouse according to the provisions of clause 10 of Scheme SHD 15A

(Delete where not applicable)

I/we the undersigned:

(a) do solemnly declare that all the information given in this application is true, correct and complete in all aspects;

(b) shall use the grant that might be given to me/us for the sole purposes of Scheme SHD 15A.

Name of applicant .....

Identity Card Number of applicant .....

Address .....

.....

Post Code .....

Name of spouse of applicant .....

Identity Card Number of spouse of applicant .....

Signature of applicant .....

Signature of spouse of applicant .....

Date .....

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