



# Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946

## 1946 CHAPTER 4

### PART I

#### HOUSING

##### *CONTRIBUTIONS TO PERSONS PROVIDING HOUSES*

#### **[<sup>F1</sup>1] Payments in respect of provision of new houses.**

- <sup>F2</sup>(1) Where a person has, in pursuance of a housing scheme approved by a [<sup>F3</sup> district council], provided housing accommodation in accordance with such standards and conditions as may be prescribed, and has satisfied the [<sup>F3</sup> council] that he has made such letting thereof as complies with the statutory conditions set out in section two of this Act, the [<sup>F3</sup> council] may, subject to the provisions of this Part of this Act, make or undertake to make to that person in respect of each new house so let by him as falls within such category as may be specified from time to time by an order made by the Ministry of Health and Local Government<sup>F4</sup> (in this Part of this Act referred to as the Ministry), with the approval of the Ministry of Finance, under section fifteen of the Housing (No. 2) Act (Northern Ireland), 1946, a contribution of such amount as is authorised by the order to be paid in respect thereof.
- (2) Where a [<sup>F3</sup> district council] have paid a contribution of an amount so authorised, the Ministry, if satisfied that the house in respect of which the contribution is paid has been completed in a proper and workmanlike manner, shall pay to the [<sup>F3</sup> district council] out of moneys provided by Parliament the sum specified in that behalf by the aforesaid order.]

*Status: Point in time view as at 01/01/2006.*

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- (3) Any payment authorised or required to be made by or to a [<sup>F3</sup> district council] under the foregoing provisions of the section shall be made at such times and subject to such conditions as to records, certificates, audit or otherwise as may be prescribed.
- (4) The approval of any scheme by a [<sup>F3</sup> district council] under sub-section (1) of this section shall not affect the liability of any person or of the [<sup>F3</sup> district council] to comply with any statutory provisions applicable to any works proposed to be carried out thereunder.
- (5) No contribution or sum shall be paid under this section by or to a [<sup>F3</sup> district council] in respect of any house in any case where a grant out of moneys provided by Parliament or by the Parliament of the United Kingdom is payable in respect of that house under any enactment other than this Act.
- <sup>F5</sup>(6) Where any money is received or recovered by a [<sup>F3</sup> district council] by way of repayment of any contribution made by them under or by virtue of this section, the [<sup>F3</sup> district council] shall repay to the Ministry such part of that money as bears to the whole thereof the same proportion as the sum which was paid by the Ministry to the [<sup>F3</sup> district council] in respect of that contribution bears to the total amount of that contribution.]]

<b>F1</b>	1978 NI 2; 1981 NI 3
<b>F2</b>	<a href="#">1951 c.13 (NI)</a>
<b>F3</b>	SRO (NI) 1973/285
<b>F4</b>	SRO (NI) 1964/205; 1973/504; 1976 NI 6
<b>F5</b>	<a href="#">1951 c.13 (NI)</a>

## 2 <sup>F6</sup> **Statutory conditions attaching to houses provided under s.1 of this Act.**

A house provided or purported to have been provided in pursuance of a scheme approved by a [<sup>F7</sup> district council] under section one of this Act shall, until the expiration of a period of ten years next after the date certified by the [<sup>F7</sup> district council] as the date on which the house becomes reasonably fit for occupation, be held subject to the following conditions (in this Part of this Act referred to as the statutory conditions), and to the provisions of the next succeeding section of this Act regarding the enforcement of those conditions, that is to say:—

- (a) the house shall as soon as practicable be let to a worker to be chosen by the person entitled to make such letting (in this Part of this Act referred to as the proprietor) or his authorised agent [<sup>F8</sup> from those workers whose names are or have been on a list to be kept by the [<sup>F7</sup> Northern Ireland Housing Executive]], being a list of the persons to whom the [<sup>F7</sup> Northern Ireland Housing Executive] are required, by virtue of section twenty-three of the Housing Act (Northern Ireland), 1945 <sup>F9</sup> (in this Part of this Act referred to as the Act of 1945) and regulations made thereunder, to give reasonable preference in the selection of tenants or occupiers of housing accommodation provided by the [<sup>F8</sup> Northern Ireland Housing Executive] under that Act ... <sup>F10</sup> and the house shall not during such period be let, sub-let to, or occupied by, any person other than a worker whose right to occupy arises under or by virtue of a letting which complies in all respects with the requirements of this paragraph as to the first letting of the house;
- (b) the house or any estate, interest or share therein shall not be sold assigned or transferred without the written consent of the Ministry:

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*Proviso rep. by 1967 c.34 (NI)*

- (c) any attempted letting, sub-letting, sale, assignment or transfer in contravention of the two last foregoing paragraphs shall be void;
- (d) [<sup>F8</sup> a person shall not before, on, or after, or as a condition of, or in connection with, or otherwise in relation to, any letting of the house be asked, induced or required to pay, whether to the person by whom the house is let or to any other person whatsoever,] any fine, premium or other like sum, or to give any other consideration, in addition to the rent payable by him, and where any such payment or consideration has been made or given the amount or value thereof shall be recoverable by the person by whom it was made or given:
  - [<sup>F11</sup> Provided that this paragraph shall not apply where—
    - (a) the payment or consideration was made or given upon the terms that it should be recoverable either on demand or on notice of not longer than six months' duration; or
    - (b) the payment or consideration was made or given pursuant to the terms of any collateral agreement and the court is satisfied that those terms are not unfair to the tenant];
- (e) a person shall not on or as a condition of any letting of the house be required to enter into any agreement, undertaking or other arrangement, for the purchase by him of the ownership of, or any other interest in, the house and no such agreement, undertaking or arrangement entered into by him on or before the letting of the house to him shall be enforceable against him;
- (f) the house shall not [<sup>F8</sup> be so enlarged, altered or structurally modified as to exceed in superficial area one thousand and fifty square feet] and shall not be amalgamated with any other house or houses so that such houses will together form a single house;
- (g) the house shall be kept in good sanitary condition and repair and shall not be used for any purpose other than as the dwelling-house ...<sup>F12</sup>; and
- (h) the [<sup>F7</sup> district council] shall have power to enter the house by any person authorised by them in writing at all reasonable times for the purpose of ascertaining whether the statutory conditions are complied with.

<b>F6</b>	1970 c.18 (NI)
<b>F7</b>	SRO (NI) 1973/285
<b>F8</b>	1951 c.13 (NI)
<b>F9</b>	1981 NI 3
<b>F10</b>	SRO (NI) 1973/285
<b>F11</b>	1951 c.13 (NI)
<b>F12</b>	1976 NI 25

### 3 Enforcement of statutory conditions.

- (1) Every person guilty of any breach or contravention or attempted breach or contravention of any statutory condition imposed by virtue of paragraphs ( a), ( b), ( d), ( e) or ( f) of the last preceding section shall, on summary conviction, be liable to a fine not exceeding<sup>F13</sup> ... [<sup>F13</sup> level 5 on the standard scale]<sup>F13</sup>: Provided that where such breach or contravention has been committed by a body corporate, then, without prejudice to the liability of that body, every person who at the time of such commission was a director or other officer of the body corporate or was purporting to act in any

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such capacity, shall be liable to be prosecuted as if he had personally been guilty of that breach or contravention and shall if, on such prosecution it is shown that he consented to, or connived at, or did not exercise all such diligence as he ought in the circumstances to have exercised to prevent, the breach or contravention, be liable to the like conviction and punishment as if he had personally been guilty of that breach or contravention.

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- <sup>F14</sup>(1A) In the event of any breach or contravention or attempted breach or contravention of any of the statutory conditions there shall forthwith become due and repayable to the [<sup>F15</sup> district council] and recoverable upon demand made in writing by the [<sup>F15</sup> district council] as a civil debt due to them such sum as bears to the amount of the contribution paid by the [<sup>F15</sup> district council] in respect of the house to which the breach or contravention or attempted breach or contravention relates the same proportion as that portion of the period for which the statutory conditions were imposed, which, at the time of the breach or contravention or attempted breach or contravention, remains unexpired bears to the whole of the period.
- (1B) Where a person has been convicted of an offence under sub-section (1) of this section the court before whom he is convicted may, on such conviction, order that in addition to the amount repayable by him under sub-section (1A) of this section, he shall repay to the [<sup>F15</sup> district council] the balance of the contribution paid in respect of the house to which the breach or contravention or attempted breach or contravention relates or such lesser sum as the court may think necessary to remedy the breach or contravention and any such order may, without prejudice to any other remedy, be enforced in like manner as an order for the payment of a penal sum.
- (1C) Where in respect of any house the full amount of a contribution or an amount not less than that repayable under sub-section (1A) of this section or which would have been so repayable if at the time of the repayment there had been a breach or contravention of the statutory conditions has been repaid to the [<sup>F15</sup> district council], the statutory conditions shall cease to apply to that house notwithstanding that the period for which those conditions were imposed has not expired.]
- (2) In the case of any breach or contravention or attempted breach or contravention of any of the statutory conditions imposed by virtue of paragraphs ( a ), ( b ) or ( g ) of the last preceding section, the [<sup>F15</sup> district council] may, without prejudice to any other remedy open to them, take possession of the house:
- Provided that before taking such possession, the [<sup>F15</sup> district council] shall, by notice in writing delivered to the proprietor or his agent at his usual or last known place of abode or business call on the proprietor to comply with the condition, and if the proprietor—
- (a) within fourteen days after the delivery of the notice gives an undertaking in writing to the [<sup>F15</sup> district council] to comply with the notice; and
  - (b) within two months after the delivery of the notice complies therewith;
- the [<sup>F15</sup> district council] shall not take possession.
- (3) Where a [<sup>F15</sup> district council] take possession of a house by virtue of the last preceding sub-section, the [<sup>F15</sup> district council] shall proceed to let and manage the house as if it had been a house provided by [<sup>F15</sup> the Northern Ireland Housing Executive] under the Act of 1945 and the provisions of that Act in that behalf shall apply [<sup>F15</sup> as if the district council were the Northern Ireland Housing Executive] and any letting so made by the [<sup>F15</sup> district council] shall be deemed to have been made by the proprietor:

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Provided that—

- (a) the rent reserved on any such letting shall be payable to the <sup>F15</sup> district council] and the <sup>F15</sup> district council] shall, after the deduction therefrom <sup>F16</sup> of the amount of any contribution paid by them under section one of this Act, as amended or extended by any subsequent enactment and] of all costs of or incidental to the taking of possession, the taking of any further or other action necessary to secure compliance with the statutory conditions, and the costs and expenses reasonably incurred by the <sup>F15</sup> district council] in or in connection with the letting and management of the house, cause the balance to be paid to or held in trust for the proprietor;
- (b) the right of the <sup>F15</sup> district council] to let and manage the house under this sub-section shall cease to be exercisable on the expiration of the period of ten years from the date on which the house became reasonably fit for occupation;

*Para.(c) rep. by 1951 c.13 (NI)*

- (4) Where a <sup>F15</sup> district council] are entitled under this section to take possession of a house, such possession may, notwithstanding anything in the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1940 , or any other enactment whatsoever and irrespective of the value of the house, be recovered by or on behalf of the <sup>F15</sup> district council] under Part IV<sup>F17</sup> of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935 , and the provisions of the said Part IV<sup>F17</sup> shall apply as if the <sup>F15</sup> district council] were the owner of the house and as if the proprietor or any person in possession of the house were a person who had been put into possession of the house by permission of the owner as caretaker.

*Subs.(5) rep. by 1951 c.3 (NI)*

<b>F13</b>	1984 NI 3
<b>F14</b>	1964 c.26 (NI)
<b>F15</b>	SRO (NI) 1973/285
<b>F16</b>	1946 c.20 (NI)
<b>F17</b>	1964 c.21 (NI)

*S.4 rep. by 1946 c.20 (NI); 1969 c.16 (NI)*

#### PROVISION FOR TEMPORARY HOUSES

*S.5 rep. by 1951 c.13 (NI)*

### 6 Removal of structures made available under s.5.

- (1) The Ministry may cause a structure made available under the preceding section<sup>F18</sup>, together with any fittings forming part thereof, to be taken down and removed under arrangements made by it, on giving to the housing authority reasonable notice of its intention in that behalf and shall do so on being requested by the housing authority at any time after the expiration of ten years from the passing of this Act unless it appears to the Ministry that housing conditions require that the structure should remain, but whilst remaining on the land the structure and any such fittings as aforesaid shall be deemed to be fixtures forming part of the freehold.

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- (2) Where the Ministry causes a structure to be removed under this section, it may, if the housing authority so request, cause to be executed under arrangements made as aforesaid all such works as may be required for clearing the land of any substructure or other materials affixed to the land for the purposes of the erection of the structure.
- (3) Structures, fittings and materials removed under this section shall be held or disposed of in such manner as the Ministry, with the approval of the Ministry of Finance, may determine.

*Subs.(4) inserted by 1956 c.10 (NI)*

<b>F18</b> S.5 provided for structures for temporary housing to be made available to housing authorities
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*Ss. 7,8 rep. by 1977 NI 8; 1981 NI 3*

#### PROVISION FOR TEMPORARY HOUSES

*S.9 spent*

*S.10 rep. by 1951 c.13 (NI)*

*S.11 rep. by 1956 c.10 (NI)*

*S.12 rep. by 1976 NI 25*

*S.13 rep. by 1977 NI 8*

#### **14 Power of Northern Ireland Housing Executive to enter on land.**

For the purpose of its powers and duties under the Housing Acts the Northern Ireland Housing Trust<sup>F19</sup> shall have and may exercise in relation to any land in Northern Ireland the like powers as a sanitary authority may exercise in relation to any land under or by virtue of section two hundred and seventy-one<sup>F20</sup> of the Public Health (Ireland) Act, 1878, as amended by Part II of this Act.

<b>F19</b> 1971 c.5 (NI)
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<b>F20</b> 1972 c.9 (NI)
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#### **15 Amendment of 1773-4 c.40.**

Notwithstanding anything contained in an Act passed by the Irish Parliament in the session held in the thirteenth and fourteenth years of the reign of His Majesty King George the Third, Chapter forty, intituled An Act for settling and preserving a Publick Library in the City of Armagh for ever, and for enabling the Archbishop of Armagh to appropriate Parts of a Piece of waste ground contiguous to the said City to certain Uses for the Benefit of the Inhabitants thereof, and to make long Leases of the Remainder, it shall be lawful for the governors and guardians in, under and by that Act constituted and incorporated to sell, grant on lease or otherwise transfer to the Armagh Urban District Council for the purposes of the Housing Acts any portion not exceeding eight acres statute measure of the lands held by the said governors and guardians under the said Act.

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Any such sale, letting or transfer, may include such easement, quasi-easement or right in, to or over any other lands retained by the said governors and guardians, and may be made subject to such restrictions, exceptions or reservations, as may be agreed upon.

Any such sale, letting or transfer shall be for a fair and reasonable consideration or rent, and the proceeds or profits thereof shall be received by the said governors and guardians and applied by them in furtherance of the objects and purposes for which such governors and guardians were by the said Act constituted and incorporated. The receipt in writing of the said governors and guardians or any two or more of them for any sum received by them as aforesaid shall be a valid discharge therefor and shall effectually exonerate the Armagh Urban District Council from seeing to the application thereof or being answerable for any loss or misapplication thereof.

*S.16 rep. by SLR (NI) 1954*

## FINANCIAL AND GENERAL

### 17 Expenses of Ministry and other departments.

Expenses incurred by the Ministry or by any other Government department under or in consequence of the passing of this Part of this Act shall be defrayed either out of moneys provided by Parliament or (if the Ministry of Finance so directs) by means of sums charged on and issued out of the Consolidated Fund of Northern Ireland. For the purpose of providing any sums so issued out of the said Consolidated Fund the Ministry of Finance may, if it thinks fit, borrow any sum ...<sup>F21</sup> and any annuity created for the repayment of such borrowing shall be defrayed out of moneys provided by Parliament.

**F21** 1953 c.13 (NI)

*S.18 rep. by 1948 c.9 (NI)*

### 19 Power to make regulations.

- (1) The Ministry may make regulations prescribing anything which is to be prescribed, and providing for any matter in regard to which regulations may be made under this Part of this Act, and generally for carrying this Part of this Act into effect.
- (2) All regulations made under this Part of this Act shall, as soon as may be after they are made, be laid before each House of Parliament. If either House of Parliament, within the statutory period next after any regulation made as aforesaid has been laid before such House, resolves that the regulation shall be annulled, the regulation shall, after the date of the resolution, be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

### 20 Interpretation and construction of Part I.

- (1) In this Part of this Act, unless the contrary intention appears, the following expressions have the meanings hereby assigned to them, that is to say:—

Act of 1945 has the meaning assigned to it by paragraph (a) of section two of this Act;

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*Definition spent*

contravention in relation to any provision or condition includes a failure to comply with that provision or condition (as the case may be);

Housing Acts means the Housing Acts (Northern Ireland), 1890 to 1945, and includes, unless the context otherwise requires, this Part of this Act;

housing authority includes both a local authority<sup>F22</sup> and the Northern Ireland Housing Trust<sup>F22</sup> but does not include a housing association or other body;

land includes water and any interest in land or water and any easement or right in, to or over land or water;

*Definition spent*

new house means a house, the erection of which is commenced after a scheme submitted in respect thereof has been approved by a local authority<sup>F22</sup> ...<sup>F23</sup>;

prescribed means prescribed by regulations made by the Ministry;

statutory period means ...

*definition in 1954 c.33 (NI) s.41(2) substituted by 1979 NI 12 art.10*

superficial area in relation to a new house means the area of that house calculated in accordance with such method as may be prescribed;

the Ministry has the meaning assigned to that expression by sub-section (1) of section one of this Act.

- (2) This Part of this Act shall be construed as one with the Housing Acts and those Acts and this Part of this Act may together be cited as the Housing Acts (Northern Ireland), 1890 to 1946.

**F22** Functions transf., 1971 c.5 (NI)

**F23** 1951 c.13 (NI)

## PART II

### AMENDMENTS AFFECTING CERTAIN LOCAL GOVERNMENT AND PUBLIC HEALTH MATTERS

#### LOCAL GOVERNMENT

*Ss.21#25 rep. by 1949 c.21 (NI); 1951 c.13 (NI); 1955 c.13 (NI) ; 1972 c.9 (NI)*

#### **26 Short title.**

This Act may be cited as the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland), 1946.



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