HOUSING (NORTHERN IRELAND) ORDER 2003

S.I. 2003 No. 412 (N.I. 2)

EXPLANATORY MEMORANDUM

INTRODUCTION

1. The Housing (Northern Ireland) Order 2003 ("the Order") was made on 27 February 2003. Its contents include provision corresponding to provision contained in Parts II and V of the Housing Act 1996 and Part I of the Housing Grants, Construction and Regeneration Act 1996.

2. This Memorandum needs to be read in conjunction with the Order. It does not give, and is not meant to be, a comprehensive description of the Order.

BACKGROUND

3. The Northern Ireland housing legislation is contained in the Housing (Northern Ireland) Orders of 1981, 1983, 1986, 1988 and 1992 and the Rent (Northern Ireland) Order 1978. In the light of experience in operating the legislation and having regard to developments in Great Britain, the Department for Social Development ("the Department") identified a number of issues that need to be addressed - in particular, with respect to the conduct of tenants, payment of grants and a range of miscellaneous matters.

CONSULTATION

4. Certain of the provisions originally formed part of a draft Order in Council (intended to give effect to various housing commitments in the Tenants and Citizens Charters) that was laid before Parliament in 1996 but did not progress because of a change in Government. That draft Order was subject to the usual consultation procedures. Other provisions arise mainly from a Housing Policy Review published in 1996 and recommendations in a report on Travellers accommodation published in 1998, both of which were subject to consultation.

5. The full provisions were published for consultation in March 2002 and a draft Bill was introduced in the Northern Ireland Assembly on 25 June 2002.

OVERVIEW

6. The Order is divided into 5 Parts and has 149 Articles and 5 Schedules.

Part II: Conduct of tenants
This Part contains provisions to deal with conduct by persons at residential premises let by the Northern Ireland Housing Executive ("the Executive") or Registered Housing Associations ("RHAs") that causes nuisance or annoyance to others.

Chapter II: Introductory tenancies
This Chapter enables the Executive or a RHA to establish an introductory tenancy regime and makes provision as to the nature of an introductory tenancy. Such a tenancy takes effect for a trial

period of one year, during which the landlord may apply to a county court for an order to bring the tenancy to an end.

Chapter III: Repossession &c. of dwelling-houses let under secure tenancies
This Chapter extends the grounds on which the Executive or a RHA can seek possession of a dwelling-house let under a secure tenancy. It also requires that a notice of proceedings should normally be served on the tenant, sets out the information to be included in that notice and allows proceedings for possession to begin immediately in cases of anti-social behaviour.

Chapter IV: Injunctions against anti-social behaviour
This Chapter enables the Executive, RHAs and certain private sector landlords to take court action against people involved in anti-social behaviour that affects their property.

Part III: Grants &c. for renewal of private sector housing
This Part sets out provisions relating to grants that the Executive can pay towards the costs of private sector renewal.
Chapters II to IV: detail the main grants and the conditions to be satisfied, empowers the Executive to prepare a group repair scheme and to provide home repair assistance.

Chapter V: Deferred action notices
This Chapter allows the Executive to serve deferred action notices; sets out procedures for appeals against, and review of, such notices and empowers the Executive to charge for any enforcement action it takes in relation to unfit properties.

Chapter VI: Supplementary provisions
This Chapter amends the grants provisions in their application to religious denominations and charities. It also provides for transitional provisions and savings in relation to grants that are made under the current legislation but have not been approved or refused by the time the new provisions set out in Part III come into operation.

PART IV: Miscellaneous amendments
This Part carries miscellaneous amendments to the Rent (Northern Ireland) Order 1978; the Housing (Northern Ireland) Orders 1981, 1983, 1988 and 1992; and the Commissioner for Complaints (Northern Ireland) Order 1996.

Chapter I: Amendments to the Rent (Northern Ireland) Order 1978
This Chapter transfers the Department's responsibility under the Rent (Northern Ireland) Order 1978 for maintaining a register of rents to the Executive. It also empowers district councils to institute proceedings against landlords and their agents who fail to provide a tenant with a proper rent book.

Chapter II: Amendments to the Housing (Northern Ireland) Order 1981
This Chapter amends the definition of a "member of a person's family" to include persons living together as husband and wife; provides for the Executive to allocate accommodation only to "eligible persons"; and defines who may be treated as an eligible person.
The Chapter adds a new provision to the Housing (Northern Ireland) Order 1981 requiring the Executive to provide caravan sites for members of the Irish Traveller community. It also empowers the Executive to acquire land with a view to improving the amenity of a housing area; repeals spent provisions relating to previous home insulation grants; allows the Executive to dispose of a group of houses to another landlord where the majority of tenants agree to the disposal; increases from level 3 to level 4 on the standard scale the penalty for obstructing an officer in the performance of his duty; and amends the provisions relating to nomination by the Northern Ireland Housing Council of its members for membership of the Executive.

Chapter III: Amendments to the Housing (Northern Ireland) Order 1983
Chapter III enables the Department to make a scheme providing for the sale or lease of RHA dwelling houses to secure tenants. It makes provision for the Executive to prepare schemes enabling secure tenants to be compensated for improvements that they have carried out to their

property and entitling them to have qualifying repairs carried out at the Executive's expense. It also makes amendments relating to which tenancies are to be secure tenancies.

Chapter IV: Amendments to the Housing (Northern Ireland) Order 1988
This Chapter amends the current legislation relating to homelessness and requires the Executive to provide a scheme for the payment of grants to tenants who are forced to leave their homes as a consequence of violence or intimidation.

Chapter V: Amendments to the Housing (Northern Ireland) Order 1992
Chapter V makes amendments which allow the Department to dispose of its housing association loans portfolio; enable RHAs to increase rents on one occasion only during any financial year; remove a requirement to register certain land acquired by a RHA in the statutory charges register; amend the repairs grants legislation; provide for a registration scheme for houses in multiple occupation; and enable RHAs to serve certain documents by ordinary rather than registered post.

Chapter VI: Other amendments
This Chapter provides for RHAs to be included in the list of bodies whose administrative functions are subject to investigation by the Commissioner for Complaints. It also provides for minor and consequential amendments.

Part V: Supplemental provisions
This Part makes supplementary provisions with respect to the Order.

Schedule 1: Amendments relating to the transfer of duty to keep register of rents
This Schedule makes consequential amendments to the Rent (Northern Ireland) Order 1978 and the Housing (Northern Ireland) Order 1983 flowing from the transfer of responsibility for maintaining the register of rents from the Department to the Executive.

Schedule 2: Transfer to the Executive of Travellers' caravan sites
This Schedule makes provision for the transfer of existing Travellers' caravan sites from district councils to the Executive and the repeal of the legislation under which such sites were provided.

Schedule 3: Registration scheme for houses in multiple occupation
This Schedule inserts new Articles in the Housing (Northern Ireland) Order 1992 which provide for the registration scheme that is to apply to houses in multiple occupation.

Schedule 4: Minor and consequential amendments
This Schedule sets out a number of minor amendments to statutory provisions which are consequential to provisions included in the Order.

Schedule 5: Repeals
This Schedule provides for repeals of various statutory provisions.