



# Housing (Amendment) Act (Northern Ireland) 2016

2016 CHAPTER 17

An Act to make provision for the better sharing of information relating to empty homes or to anti-social behaviour; and to provide for the registration of certain loans as statutory charges. [9th May 2016]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

## **Sharing of information relating to empty properties**

1.—(1) DFP must, if requested to do so by an authorised officer, disclose to DSD or the Executive any empty property information which DFP has obtained for the purpose of carrying out its rating functions, if the information is disclosed for the purpose of enabling or assisting DSD or the Executive to—

- (a) identify vacant dwellings, or
- (b) take steps to bring vacant dwellings back into use.

(2) “Empty property information” is—

- (a) any information which indicates or suggests that a property is unoccupied;
- (b) the address of any such property;
- (c) contact details for the owner of the property and (if different) any person chargeable to rates in respect of it;
- (d) contact details for the last known occupier of the property;

(e) contact details for any person who is acting, or has acted, as agent on behalf of the owner or occupier of the property or on behalf of any person chargeable to rates in respect of it;

(f) any description of the property, including its rateable values (within the meaning given by Article 17 of the 1977 Order).

(3) DSD or the Executive must, if requested to do so by an authorised officer, disclose to DFP any rating-related information which DSD or the Executive has obtained in the exercise of any function relating to vacant dwellings, if the information is disclosed for the purpose of enabling or assisting DFP to exercise its rating functions.

(4) “Rating-related information” is—

(a) any information which indicates or suggests that a property is occupied;

(b) the address of any such property;

(c) the nature of the occupation and the date on which it began;

(d) contact details for the occupier of the property and (if different) the owner of it;

(e) contact details for any person who is acting, or has acted, as agent on behalf of the owner or occupier of the property.

(5) In this section—

“the 1977 Order” means the Rates (Northern Ireland) Order 1977;

“authorised officer” means—

(i) in the case of a request under subsection (1), an officer of DSD or (as the case may be) the Executive authorised to make such a request, or

(ii) in the case of a request under subsection (3), an officer of DFP authorised to make such a request;

“contact details” for a person are the person’s name and address and details of any other means of communicating with the person;

“DFP” means the Department of Finance and Personnel;

“DSD” means the Department for Social Development;

“the Executive” means the Northern Ireland Housing Executive;

“owner” has the meaning given by Article 2(2) of the 1977 Order;

“rating functions” are any functions under the 1977 Order or the Rates (Capital Values, etc) (Northern Ireland) Order 2006;

“vacant dwelling” means a dwelling-house in which no-one lives.

**Disclosure of information relating to anti-social behaviour**

2.—(1) A person may disclose relevant information about any other person to the Executive or to a registered housing association, if the information is disclosed for a relevant purpose.

(2) For the purposes of subsection (1)—

“relevant information” has the meaning given by subsections (3) to (6), and

“relevant purpose” has the meaning given by subsection (7).

(3) Where a person (“T”) is or has been a tenant of a dwelling-house, information is relevant information about T if it indicates or suggests that T, or any other person residing in or visiting the dwelling—

- (a) has engaged in conduct that caused, or was likely to cause, a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in the locality of the dwelling;
- (b) has used the dwelling for illegal purposes (whether or not the person has been convicted of an offence involving such use);
- (c) has allowed, incited or encouraged any other person—
  - (i) to engage in conduct described in paragraph (a), or
  - (ii) to use the dwelling for purposes described in paragraph (b); or
- (d) has been convicted of an indictable offence.

(4) Information is relevant information about a person (“P”) if it indicates or suggests that P, or any person residing with P—

- (a) has acted in a manner causing or likely to cause harassment, alarm or distress to one or more persons not of the same household as himself or herself;
- (b) has engaged in, or has threatened or is likely to engage in, conduct causing or likely to cause a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in any residential premises or in the locality of such premises; or
- (c) has been convicted of—
  - (i) an offence involving using a dwelling-house, or allowing it to be used, for illegal purposes, or
  - (ii) an indictable offence committed in a dwelling-house or in the locality of one.

(5) Information is relevant information about a person (“P”) if it—

- (a) indicates or suggests that P is guilty of conduct amounting to an offence of a kind mentioned in subsection (4)(c) (even though P has not been convicted of such an offence), or
- (b) relates to pending criminal proceedings against P for such an offence.

- (6) Information is relevant information about a person (“P”) if it relates to—
- (a) an injunction or order of a kind mentioned in subsection (7)(a) that has been made against P or a person residing with P, or in relation to a dwelling-house where P is or was resident, or
  - (b) an application pending before any court for such an injunction or order.
- (7) A “relevant purpose” is any of the following—
- (a) applying for (or deciding whether to apply for)—
    - (i) an injunction under Chapter 4 of Part 2 of the Housing (Northern Ireland) Order 2003 (injunctions against anti-social behaviour);
    - (ii) an injunction against breach of a tenancy agreement granted or sought on grounds of behaviour (see subsection (8));
    - (iii) an anti-social behaviour order under any Article of the Anti-social Behaviour (Northern Ireland) Order 2004;
    - (iv) an order for possession on Ground 2 in Schedule 3 to the 1983 Order (conduct and convictions) (whether or not the order is also sought on other Grounds);
    - (v) an order for possession of a dwelling-house let under an introductory tenancy;
  - (b) conducting (or deciding whether to commence) criminal proceedings for any offence;
  - (c) deciding whether to withhold consent to a mutual exchange of secure tenancies on Ground 2A or 2B in Schedule 3A to the 1983 Order (withholding of consent where order in force or application pending in connection with anti-social behaviour etc.);
  - (d) deciding whether a secure tenant is entitled to exercise a right under a scheme for house sales under Article 3 or 3A of the 1983 Order, where (in accordance with that scheme) that right depends on any behaviour of the tenant;
  - (e) (where the information is disclosed to the Executive) deciding whether—
    - (i) to treat an applicant for an allocation of housing accommodation as ineligible for such an allocation by virtue of Article 22A(6) of the Housing (Northern Ireland) Order 1981 (ineligibility due to unacceptable behaviour), or
    - (ii) to treat an applicant for assistance under Part 2 of the Housing (Northern Ireland) Order 1988 as ineligible for that assistance by virtue of Article 7A(5) of that Order (ineligibility due to unacceptable behaviour);
  - (f) (where the information is disclosed to a registered housing association) deciding whether to allocate housing accommodation to any person; or

(g) (in any case) deciding whether to take any other appropriate action in consequence of, or relating to, the behaviour indicated or suggested by the information.

(8) In this section—

“the 1983 Order” means the Housing (Northern Ireland) Order 1983;

the “common parts” of a dwelling are any parts of a building comprising the dwelling, and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling-houses let by the landlord;

“the dwelling”, in relation to any tenancy, is the dwelling-house let under the tenancy (whether the dwelling is a house or part of a house);

“the Executive” means the Northern Ireland Housing Executive;

the “grounds of behaviour”, in the case of an injunction against breach of a tenancy agreement, are the grounds that the tenant—

- (i) is engaging in, or threatening to engage in, conduct causing or likely to cause a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in the locality of the dwelling;
- (ii) is using or threatening to use the dwelling for illegal purposes; or
- (iii) is allowing, inciting or encouraging any other person to engage or threaten to engage in such conduct or use or threaten to use the dwelling for such purposes;

“registered housing association” has the same meaning as in Part 2 of the Housing (Northern Ireland) Order 1992;

“residential premises” means residential premises to which Article 26 of the Housing (Northern Ireland) Order 2003 applies (power to grant injunctions against anti-social behaviour);

“secure tenant” means a tenant under a secure tenancy (within the meaning given by Article 25 of the 1983 Order);

“tenant”, in the case of a joint tenancy, means any of the joint tenants.

(9) In the Housing (Amendment) Act (Northern Ireland) 2011, section 13 (which is superseded by this section) is repealed.

### **Registration as statutory charge of certain loans**

**3.—**(1) In Article 9 of the Housing (Northern Ireland) Order 1981 (advances by the Executive), after paragraph (2) insert—

“(3) So long as any part of the principal of, or any interest on, a loan under paragraph (1)(a) remains outstanding, the loan is to be a charge on the house or building or buildings in question.

(4) Where paragraph (3) applies—

- (a) the charge shall be enforceable in all respects as if it were a valid mortgage by deed created in favour of the Executive by the person on whose estate the charge has been created (with, where necessary, any authorisation or consent required by law); and
  - (b) the Executive may exercise the powers conferred by sections 19, 21 and 22 of the Conveyancing Act 1881 on mortgagees by deed accordingly.”
- (2) In Article 161 of that Order (registration of matters as statutory charges)—
- (a) in paragraph (1), before sub-paragraph (a) insert—
    - “(za) any charge created under Article 9;”;
  - (b) in paragraph (2)(a)—
    - (i) for “(a)” (after the word “sub-paragraphs”) substitute “(za)”;
    - (ii) after “the Executive has” insert “advanced the money,”.
- (3) In Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (matters to be registered in the Statutory Charges Register), in paragraph 37 (matters under the 1981 Order), before sub-paragraph (a) insert—
- “(za) any charge created under Article 9;”.

### **Commencement**

4. This Act comes into operation at the end of the period of 2 months beginning with the date on which it receives Royal Assent.

### **Short title**

5. This Act may be cited as the Housing (Amendment) Act (Northern Ireland) 2016.