
STATUTORY INSTRUMENTS

1976 No. 1780 (N.I. 25)

NORTHERN IRELAND

The Housing (Northern Ireland) Order 1976

Laid before Parliament in draft

Made 27th October 1976

Coming into Operation 10th November 1976

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At the Court at Buckingham Palace, the 27th day of October 1976

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title, commencement and citation

1.—(1) This Order may be cited as the Housing (Northern Ireland) Order 1976 and shall come into operation on the fourteenth day after the day on which it is made.

(a) 1974 c. 28.

(2) This Order shall be construed as one with the Housing Acts (Northern Ireland) 1890 to 1971 and those Acts and this Order may be cited together as the Housing Acts (Northern Ireland) 1890 to 1976.

(3) In this Order the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland) 1956 (a) is referred to as the Housing Act (Northern Ireland) 1956, and may be so cited in any other statutory provision, instrument or document.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Department” means the Department of the Environment;

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with that building or part;

“the Executive” means the Northern Ireland Housing Executive;

“hostel” means a building wherein is provided, for persons generally or for a class or classes of persons, residential accommodation (otherwise than in separate and self-contained sets of premises) and either board or facilities for the preparation of food adequate to the needs of those persons, or both;

“Housing Acts” means the Housing Acts (Northern Ireland) 1890 to 1976;

“housing association” has the meaning assigned to it by Article 3;

“improvement grant” and “intermediate grant” have the meanings assigned to them by Article 41 (2);

“operative date” means the date of the coming into operation of this Order;

“registered” means registered in the register of housing associations under Article 13;

“repairs grant” has the meaning assigned to it by Article 41 (2);

“self-build society” means a housing association whose object is to provide, for sale to, or occupation by, its members, dwellings built or improved principally with the use of its members’ own labour;

“statutory provision” has the same meaning as in section 1 (f) of the Interpretation Act (Northern Ireland) 1954; and

“unregistered self-build society” means a self-build society which is not a registered housing association.

(3) For the purposes of this Order a person is a member of another’s family if that person is—

(a) the other’s wife or husband; or

(b) a son or daughter or son-in-law or daughter-in-law of the other, or of the other’s wife or husband; or

(c) the father or mother of the other, or of the other’s wife or husband.

(a) 1956 c. 10 (N.I.).

(b) 1954 c. 33 (N.I.).

(4) In paragraph (3) (b) any reference to a person's son or daughter includes a reference to any step-son or step-daughter, any illegitimate son or daughter, and any adopted son or daughter of that person, and "son-in-law" and "daughter-in-law" shall be construed accordingly.

PART II

HOUSING ASSOCIATIONS

Meaning of "housing association"

3. In this Order "housing association" includes—

- (a) a public utility society, being a society registered under the Industrial and Provident Societies Act (Northern Ireland) 1969 (a), the rules whereof prohibit the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Department of Finance by regulations made subject to negative resolution;
- (b) a housing trust, being a corporation or body of persons which, by the terms of its constituent instrument, is required to devote the whole of its funds, including any surplus which may arise from its operations, to the provision of housing accommodation, and to other purposes incidental thereto;
- (c) an association incorporated as a company under the Companies Acts (Northern Ireland) 1960 and 1963 (b) (or under any earlier statutory provision providing for the registration of companies) having among its objects the provision of housing accommodation and which is prohibited from raising or issuing any loan capital at a rate of interest exceeding the rate for the time being prescribed by the Department of Finance for the purposes of this paragraph by regulations made subject to negative resolution and from paying any dividend to its members.

Functions of Department

4.—(1) Without prejudice to any specific function conferred on the Department by or under the following provisions of this Order or any other statutory provision, the Department may—

- (a) promote and assist the development of registered housing associations and of unregistered self-build societies;
- (b) facilitate the proper exercise and performance of the functions, and publicise the aims and principles, of registered housing associations and unregistered self-build societies;
- (c) establish and maintain a register of housing associations, exercise supervision and control over registered housing associations and consider applications for, and make payments of, grants to registered housing associations.

(2) In the exercise of its functions under paragraph (1) (a) the Department may, with the approval of the Department of Finance, make such contribution as it may determine towards the administrative and other expenses of registered housing associations, unregistered self-build societies and such bodies as appear to it to be representative of housing associations.

(3) For the purposes of paragraph (2) the term "registered housing association" includes an unregistered housing association which at the date of payment of the contribution has made application to the Department for registra-

(a) 1969 c. 24 (N.I.).

(b) 1960 c. 22 (N.I.), 1963 c. 25 (N.I.).

tion under Article 13 and the application has not yet been disposed of by the Department.

Power of housing trusts to hold land

5. For the purpose of constructing, improving or repairing, or facilitating or encouraging the construction, improvement or repair of, housing accommodation, a housing trust, within the meaning of Article 3 (b),—

- (a) may acquire and dispose of any estate in land; and
- (b) if it is not already a body corporate shall, for the purpose of holding any estate in land acquired under this Article, and of suing and being sued in respect thereof, be deemed to be a body corporate with perpetual succession.

Borrowing by registered housing associations

6.—(1) The Department of Finance may make loans from the Government Loans Fund to—

- (a) registered housing associations, and
- (b) unregistered self-build societies,

for the purpose of enabling those bodies to meet the whole or any part of any expenditure incurred, or to be incurred, by them in carrying out their objects.

(2) The Department may guarantee, in such manner and on such conditions as it may think fit, the repayment of the principal of, and the payment of interest on, any sums which a registered housing association or an unregistered self-build society borrows from any person.

(3) Any sum required by the Department for fulfilling a guarantee under paragraph (2) shall be charged on and issued out of the Consolidated Fund, and for the purpose of providing such issues the Department of Finance may borrow money.

Recovery of possession of premises let by a housing association

7. On the termination of the tenancy of any premises let by a housing association under the Housing Acts, possession of the premises may (without prejudice to any other method of recovery) be recovered by the housing association in a summary manner under Part VII of the Magistrates' Courts Act (Northern Ireland) 1964 (a) (ejectment proceedings), whatever may be the rent or term of the tenancy.

Rent of housing accommodation provided by a housing association

8. The rent to be charged—

- (a) for any housing accommodation provided by a registered housing association; and
- (b) for housing accommodation provided by an unregistered housing association and in respect of which annual contributions are paid or payable under section 1 of the Housing Act (Northern Ireland) 1945 (b);

shall be such amount as may be fixed by the housing association with the approval of the Department.

(a) 1964 c. 21 (N.I.).

(b) 1945 c. 2 (N.I.).

Rent rebates to tenants of registered housing associations

9.—(1) The Department may make a scheme, to be administered by the Department of Finance, for granting to persons who occupy as their homes dwellings let to them by registered housing associations, other than associations to which the provisions of Article 13 (2) (b) apply, rebates from rent, calculated in accordance with the provisions of the scheme by reference to their needs and resources.

(2) No rebate from the rent of a dwelling shall be granted by virtue of this Article to any person who occupies a dwelling in pursuance of a contract of service the terms of which require that he shall be provided with a dwelling at a rent specified in the contract or without payment of rent.

Persons eligible for accommodation provided by housing associations

10. A housing association shall not—

(a) if it is a registered housing association, accept as a tenant of any housing accommodation provided by it; or

(b) if it is not a registered housing association—

(i) accept as a tenant of housing accommodation provided by it under section 1 of the Housing Act (Northern Ireland) 1945 as applied by section 12 of the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946 (a), or

(ii) accept as an occupier of accommodation in a hostel provided by it in respect of which any contribution has been made to it under section 15 of the Housing Act (Northern Ireland) 1963 (b),

any person whom the Executive would be precluded by any statutory provision from accepting as a tenant of housing accommodation provided by it.

Control by Department of dispositions of land by housing associations

11.—(1) Subject to the following provisions of this Article, and notwithstanding anything contained in section 30 of the Industrial and Provident Societies Act (Northern Ireland) 1969,—

(a) a registered housing association may not dispose of any land, and

(b) an unregistered housing association may not dispose of any grant-aided land, as defined in paragraph 1 of Schedule 1,

except with the consent of the Department.

(2) Paragraph (1) shall not apply to the grant of a lease for a term ending within the period of 7 years and 3 months beginning on the date of the grant unless—

(a) there is conferred on the lessee (whether by the lease or otherwise) an option for renewal for a term which, together with the original term would expire outside that period; or

(b) the lease is granted wholly or partly in a consideration of a fine.

(3) Without prejudice to the generality of the expression “dispose” in paragraph (1), in paragraph (2) the expression “lease” includes an agreement for a lease and a licence to occupy and the expressions “grant” and “term” shall be construed accordingly.

(a) 1946 c. 4 (N.I.).

(b) 1963 c. 26 (N.I.).

Acquisition of land

12.—(1) The Department may, for the purpose of selling or leasing land to a registered housing association or to an unregistered self-build society,—

- (a) by agreement acquire or take on lease any land or acquire land compulsorily;
- (b) dispose of any land so acquired or taken on lease.

(2) Where the Department in exercise of the power conferred on it by paragraph (1) desires to acquire any land compulsorily, the Department may make an order (in this Article referred to as a “vesting order”) vesting the land in the Department.

(3) Section 97 (3) of, and Schedule 6 to, the Local Government Act (Northern Ireland) 1972 (a) shall, subject to the modifications specified in Schedule 2, apply for the purposes of the acquisition of land by means of a vesting order made under this Article in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act.

(4) Section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (b) shall not affect the disposal of any land acquired or taken on lease under this Article.

PART III

REGISTRATION OF HOUSING ASSOCIATIONS

The register of housing associations

13.—(1) There shall be a register of housing associations which shall be established and maintained by the Department and in which the Department may register any housing association which is a society registered under the Industrial and Provident Societies Act (Northern Ireland) 1969 (in this Part referred to as “the Act of 1969”) and fulfils the conditions in paragraph (2).

(2) The conditions referred to in paragraph (1) are that the housing association does not trade for profit and is established for the purpose of, or has among its objects or powers those of, providing, constructing, improving or managing—

- (a) houses to be kept available for letting, or
- (b) where the rules of the association restrict membership of the association to persons entitled or prospectively entitled (whether as tenants or otherwise) to occupy a house provided or managed by the association, houses for occupation by members of the association, or
- (c) hostels,

and that, if the association has any additional purposes or objects, it has none which is not mentioned in paragraph (3).

(3) The additional purposes or objects referred to in paragraph (2) are those—

- (a) of providing land or buildings for purposes connected with the requirements of the persons occupying the houses or hostels provided or managed by the association;

(a) 1972 c. 9 (N.I.).

(b) 1933 c. 6 (N.I.).

- (b) of providing amenities or services for the benefit of those persons, either exclusively or together with other persons;
- (c) of encouraging and giving advice on the formation of other housing associations which would be eligible for registration by the Department; and
- (d) of providing services for, and giving advice on the running of, registered housing associations.

(4) The Department shall, after consultation with such bodies as appear to it to be representative of housing associations, establish criteria which should be satisfied by a housing association seeking registration, and may vary those criteria in such manner as it may determine.

(5) In deciding whether to register a housing association, the Department shall have regard to the question whether the association satisfies the criteria established in accordance with paragraph (4).

(6) For all purposes other than rectification of the register, a society shall be conclusively presumed to be a housing association falling within paragraph (1) at any time when it is or was on the register of housing associations.

(7) The register of housing associations shall be open to inspection at such place and at such times as the Department considers appropriate.

Removal of societies from the register

14.—(1) Where a society has been registered in the register of housing associations, that society shall not be removed from the register except by the Department in accordance with the provisions of this Article.

- (2) If it appears to the Department that any society which is registered—
 - (a) is no longer a housing association falling within Article 13 (1), or
 - (b) has ceased to exist or does not operate,

the Department shall, on giving not less than 14 days' notice to that society, remove it from the register; and in a case where paragraph (b) applies, any such notice shall be deemed to be given to a society if it is served at the address last known to the Department to be the principal place of business of that society.

(3) A society which is aggrieved by a decision of the Department to remove it from the register of housing associations may appeal against the decision to a judge of the High Court.

(4) If an appeal is brought under paragraph (3) and is not abandoned the Department shall not remove the society concerned from the register of housing associations until the appeal has been finally determined.

(5) No sum shall be paid in respect of a grant under Article 27, 29 or 30 to a society which has been removed under this Article from the register of housing associations.

(6) Where, at the time of its removal under this Article from the register of housing associations, a society owns land, Article 11 shall continue to apply to that land after the removal as if the society concerned continued to be a registered housing association.

Notifications to and by Registrar of Friendly Societies for Northern Ireland

15.—(1) As soon as may be after registering a housing association or removing a society from the register the Department shall give notice of the registration or removal to the Registrar of Friendly Societies for Northern Ireland (in this Part referred to as “the registrar”).

(2) Where notice is given under paragraph (1), the registrar shall record the registration or removal from the register by the Department.

(3) As soon as may be after an appeal is brought under Article 14 (3), the Department shall give notice of the appeal to the registrar.

(4) As soon as may be after cancelling or suspending the registration of a society which is a registered housing association, the registrar shall give notice of the cancellation or suspension to the Department.

(5) As soon as may be after an appeal is brought under section 17 (1) of the Act of 1969, the registrar shall give notice of the appeal to the Department.

Certain grants limited to registered housing associations

16.—(1) Subject to paragraph (2), the power of the Department to make grants under section 15 of the Finance Act (Northern Ireland) 1966 (a) (grants to housing associations for affording relief from tax) shall not be exercisable on a claim made by a housing association under that section in respect of a period beginning on or after 6th April 1977 unless, throughout that period, the housing association is a registered housing association.

(2) Paragraph (1) shall not apply in relation to a housing association if, before 6th April 1977, the association has made application to the Department for registration and the application has not yet been disposed of by the Department.

Inquiries into the affairs of registered housing associations

17.—(1) The Department may appoint a person to conduct an inquiry into the affairs of any registered housing association.

(2) For the purposes of an inquiry under paragraph (1), the person appointed to conduct the inquiry may, by notice in writing served on the association concerned or on any person who is or has been an officer or member of the association, require the association or that person to produce to the person appointed to conduct the inquiry such books, accounts and other documents relating to the association’s business, and to furnish to him such other information relating to that business, as he considers necessary for the purposes of the inquiry.

(3) Any association or other person who without reasonable excuse fails to comply with the requirements of a notice under paragraph (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

(4) For the purposes of an inquiry under paragraph (1) the Department may require the accounts and balance sheets of the association concerned, or such of them as the Department may specify, to be audited by an auditor appointed by the Department being a person who,—

(a) under section 41 (1) of the Act of 1969, is a qualified auditor for the purposes of that Act, or

(a) 1966 c. 21 (N.I.).

(b) under section 41 (2) of the Act of 1969, is a qualified auditor in relation to the particular association whose accounts are required to be audited under this paragraph.

(5) Any person appointed to conduct an inquiry under paragraph (1) and any person appointed to make an audit under paragraph (4) shall, on completion of the inquiry, or as the case may be, the audit, make a report to the Department on such matters and in such form as the Department may specify.

(6) The expenses of an audit under paragraph (4), including the remuneration of the auditor, shall be paid by the Department.

(7) An audit under paragraph (4) shall be additional to, and shall not affect, any audit made or to be made under any other statutory provision.

Department's power to act for protection of registered housing associations

18.—(1) Where the Department is satisfied as the result of an inquiry or an audit under Article 17 that there has been in the administration of a registered housing association any misconduct or mismanagement, the Department may do all or any of the following, namely—

- (a) by order remove any member of the committee of the association, or any officer, agent or servant of the association, who has been responsible for or privy to the misconduct or mismanagement or has by his conduct contributed to it or facilitated it;
- (b) order any bank or other person who holds money or securities on behalf of the association not to part with the money or securities without the approval of the Department;
- (c) by order restrict the transactions which may be entered into, or the nature or amount of the payments which may be made, in the administration of the association without the approval of the Department.

(2) The Department may also by order remove a member of the committee of a registered housing association where that member—

- (a) is a bankrupt, or is incapable of acting by reason of mental disorder within the meaning of the Mental Health Act (Northern Ireland) 1961 (a);
- (b) has not acted; or
- (c) cannot be found or does not act and his absence or failure to act impedes the committee's proper management of the association's affairs.

(3) The Department may by order appoint a person to be a member of the committee of a registered housing association (whether or not he is a member of the association and, if he is not, notwithstanding that the rules of the association restrict membership of the committee to members of the association)—

- (a) in place of a member of the committee removed by it under this Article or otherwise;
- (b) where there are no members of the committee; or
- (c) where the Department is of opinion that it is necessary for the proper management of the association's affairs to have an additional member of its committee.

(4) A person appointed to be a member of the committee of a registered housing association under paragraph (3) shall hold office for such period and on such terms as the Department may specify and, on the expiry of any such period,

(a) 1961 c. 15 (N.I.).

the Department may renew the appointment for such period as it may specify; but nothing in this paragraph shall prevent any such person from retiring from the appointment in accordance with the rules of the association.

(5) Any member of the committee of a registered housing association or any officer, agent or servant of the association who is ordered by the Department to be removed under paragraph (1) (a) or (2) may appeal against the order to a judge of the High Court.

(6) Before making an order under paragraph (1) (a) or (2) the Department shall give not less than 14 days' notice of its intention to do so—

- (a) to the person whom it intends to remove, and
- (b) to the registered housing association concerned.

(7) If any person contravenes an order under paragraph (1) (b), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400, or to imprisonment for a term not exceeding 3 months, or to both; but no proceedings for an offence punishable under this paragraph shall be instituted except by or with the consent of the Department.

(8) As soon as may be after making an order under this Article the Department shall send a copy of the order to the registrar.

Department's power to require transfer of land of registered housing associations

19.—(1) Where the Department is satisfied, as the result of an inquiry or an audit under Article 17, that—

- (a) there has been in the administration of a registered housing association any misconduct or mismanagement, or
- (b) the management of the land belonging to any such association would be improved if the land were to be transferred in accordance with the provisions of this Article,

the Department may direct the association to transfer the land belonging to it to another body in accordance with paragraph (2).

(2) A direction under paragraph (1) may require the association concerned to transfer the land belonging to it,—

- (a) in a case where that association is a charity, to another registered housing association which is a charity and the objects of which appear to the Department to be, as nearly as practicable, akin to those of the association directed to make the transfer; and
- (b) in any other case, to the Department or to another registered housing association.

(3) A transfer in pursuance of a direction under paragraph (1) shall be made on the terms that the Department or, as the case may be, the association to which the land is transferred will pay or undertake to pay to the association making the transfer such sum, if any, as will be necessary to defray all its proper debts and liabilities (including any debts and liabilities secured on the land to be transferred) after taking into account any money or other assets belonging to the association.

(4) If it appears to the Department to be likely that, as a result of a transfer in pursuance of a direction under paragraph (1), the association making the transfer will be dissolved as mentioned in paragraph (a) or paragraph (b) of section 64 of the Act of 1969, the Department shall secure that the costs of such

a dissolution are taken into account in determining the sum payable to the association under paragraph (3).

Department's power to petition for winding up of certain registered housing associations

20. Subject to section 64 (a) of the Act of 1969, the Department may present a petition for the winding up under the Companies Act (Northern Ireland) 1960 of a registered housing association on the ground that the association is failing properly to carry out its purposes or objects.

Transfer of net assets on dissolution of registered housing associations

21.—(1) If a registered housing association is dissolved as mentioned in paragraph (a) or (b) of section 64 of the Act of 1969 then, notwithstanding anything in that Act or in the rules of the association, there shall be transferred to the Department, or, if the Department so directs, to such registered housing association as may be specified in the direction, so much of the property of the association as remains after meeting the claims of its creditors and any other liabilities arising on or before the dissolution.

(2) If it appears to the Department to be appropriate to do so in order to avoid the necessity for the sale of any land belonging to a registered housing association which is being dissolved as mentioned in paragraph (1) and thereby secure the transfer of the land under that paragraph, the Department may make payments to discharge any such claims or liabilities as are referred to in that paragraph.

(3) The Department may not dispose of any property transferred to it by virtue of paragraph (1) otherwise than to a registered housing association, and where the property so transferred to the Department includes land subject to an existing mortgage or charge, the Department may dispose of the land subject to that mortgage or charge.

(4) Notwithstanding anything in paragraph (3), where property is transferred to the Department by virtue of paragraph (1) on the dissolution of a registered housing association which is a charity, the Department may not dispose of that property except to another registered housing association which is a charity and the objects of which appear to the Department to be, as nearly as practicable, akin to those of the association which was dissolved.

Restrictions on exercise of certain powers of registered housing associations

22.—(1) The provisions of this Article apply in relation to a registered housing association, the registration of which by the Department has been recorded by the registrar under Article 15 (2), and references in the following provisions of this Article to a registered housing association shall be construed accordingly.

(2) The registrar shall not register a special resolution, as defined in section 59 (2) of the Act of 1969, which is passed by a registered housing association for the purposes of section 59 or 60 of that Act (amalgamation of societies and transfer of engagements between societies) unless, together with the copy of the special resolution sent to him as mentioned in section 59 (4) of that Act, there is sent a copy of the Department's consent to the amalgamation or transfer concerned.

(3) Section 61 of the Act of 1969 (power of registered society to convert itself into, or to transfer its engagements to, a company registered under the

Companies Act (Northern Ireland) 1960) shall not apply to a registered housing association.

(4) If, in pursuance of section 64 (a) of the Act of 1969, a registered housing association resolves by special resolution, as defined in section 135 of the Companies Act (Northern Ireland) 1960, that it be wound up voluntarily, the resolution shall not have effect for the purposes of that Act as a resolution for voluntary winding up unless—

- (a) before the passing of the resolution the Department has given its consent to the passing of the resolution, and
- (b) together with the copy of the resolution required to be forwarded to the registrar under section 137 of the Companies Act (Northern Ireland) 1960 (as that section has effect by virtue of the said section 64 (a)) there is forwarded a copy of the Department's consent.

(5) If, in pursuance of section 64 (b) of the Act of 1969, a registered housing association is to be dissolved by an instrument of dissolution, the registrar shall neither register that instrument, as required by section 67 (5) of that Act, nor cause notice of the dissolution to be advertised as mentioned in section 67 (6) unless, together with the instrument of dissolution required to be sent to him under section 67 (4), there is sent a copy of the Department's consent to the making of that instrument.

Payments by registered housing associations to members, etc.

23.—(1) Subject to paragraph (2), a registered housing association shall not make a gift or pay any sum by way of dividend or bonus—

- (a) to any person who is or has been a member of the association; or
- (b) to any person who is a member of the family of any such person as is referred to in sub-paragraph (a); or
- (c) to any company of which a person falling within sub-paragraph (a) or (b) is a director.

(2) Paragraph (1) does not apply to—

- (a) any sum paid, in accordance with the rules of the association concerned, as interest on capital lent to the association or subscribed by way of shares in the association; or
- (b) any sum which—
 - (i) is paid by an association whose rules restrict membership to persons who are tenants or prospective tenants of the association and preclude granting or assignment of tenancies to persons other than members; and
 - (ii) is paid to a person who has ceased to be a member of the association; and
 - (iii) is due to that person under the terms of the agreement under which he became a member of the association.

(3) The Department may specify the maximum amounts which may be paid by a registered housing association by way of fees or other remuneration or by way of expenses to a person who is a member of the association, and different amounts may be so specified for different purposes.

(4) Where a sum which exceeds any maximum amount for the time being specified under paragraph (3) is paid to a person who is a member of the association by a registered housing association to which that paragraph applies, the

amount by which that sum exceeds that maximum amount shall be recoverable by the association.

(5) The Department may specify conditions, subject to which a registered housing association may enter into contracts—

- (a) with a member of the committee of that association, or
- (b) in which a member of the committee of that association has a direct or indirect interest,

for the provision of goods or services to the association in return for payment.

(6) In specifying conditions for the purposes of paragraph (5) the Department may prohibit a registered housing association from entering into such contracts as the Department may see fit.

(7) Any sum paid to a person under a contract which contravenes paragraph (5) shall be recoverable by the association making the payment.

Disclosure of interest by members of committees of registered housing associations

24.—(1) Subject to the provisions of this Article, it shall be the duty of a member of the committee of a registered housing association who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the association to declare the nature of his interest to the committee in accordance with this Article.

(2) In the case of a proposed contract, the declaration required by this Article to be made by a member of a committee shall be made at the meeting of the committee at which the question of entering into the contract is first taken into consideration, or, if the member was not at the date of that meeting interested in the proposed contract, at the next meeting of the committee held after he becomes interested in the proposed contract.

(3) Where a member of a committee becomes interested in a contract with the association after it is made, the declaration required by this Article shall be made at the first meeting of the committee held after he becomes interested in the contract.

(4) For the purposes of this Article, a general notice given at a meeting of the committee of an association by a member of the committee to the effect that he is a member of a specified company or firm, and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm, is a sufficient declaration of interest in relation to any contract made after that date with that company or firm.

(5) A member of a committee need not make a declaration or give a notice under this Article by attending in person at a meeting of the committee if he takes reasonable steps to secure that the declaration or notice is brought up and read at the meeting.

(6) A member of a committee who fails to comply with the provisions of this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(7) Nothing in this Article shall be taken to prejudice the operation of any rule of law restricting members of the committee of a registered housing association from having any interest in contracts with the association.

Great Britain societies

25. Section 102 (3) of the Act of 1969 (which provides that references to a registered society in certain provisions of that Act are to include references to

a registered Great Britain society where copies of its registered rules have been recorded by the registrar) shall not apply for the purposes of this Part.

Interpretation of Part III

26. In this Part—

“charity” has the same meaning as in the Charities Act (Northern Ireland) 1964 (a);

“committee” has the same meaning as in section 101 (1) of the Act of 1969;

“house” includes any part of a building which is occupied or intended to be occupied as a separate dwelling;

“registrar” has the meaning assigned to it by Article 15 (1); and

“the Act of 1969” has the meaning assigned to it by Article 13 (1).

PART IV

FINANCIAL ASSISTANCE FOR HOUSING ASSOCIATIONS

Housing association grants

27.—(1) The Department may, upon application to it and in accordance with Article 28, make grants (in this Part referred to as “housing association grants”) to registered housing associations in respect of their expenditure in connection with housing projects approved by the Department.

(2) For the purposes of this Part a project is a housing project if it is undertaken for all or any of the following purposes, namely—

(a) providing housing or residential accommodation,

(b) improving such accommodation,

(c) repairing such accommodation,

(d) providing land or buildings for purposes which, in the opinion of the Department, will be for the benefit of persons for whom any housing or residential accommodation is or is to be provided, and

(e) improving or repairing any such buildings as are referred to in subparagraph (d),

and in this paragraph “housing or residential accommodation” means dwellings which are or are to be let or available for letting or a building or part of a building used or for use as a hostel or part of a hostel and for this purpose the grant of a licence to occupy shall be treated as a letting.

(3) Subject to paragraph (4), the housing association grant payable to a registered housing association in respect of a housing project approved by the Department shall be equal to the net cost of the project to the association.

(4) The Department may, with the consent of the Department of Finance, determine maximum levels of cost or of grant applicable to housing projects generally, to any particular housing project or to any description of housing project, and the amount of the housing association grant payable in respect of a project to which any such determination applies shall be limited in accordance with the determination.

(5) Subject to paragraph (6), for the purposes of this Article the net cost of a housing project to a registered housing association means the difference between—

(a) 1964 c. 33 (N.I.).

- (a) the estimated expenditure of the association, which, in the opinion of the Department, is attributable to the project and reasonable and appropriate, having regard to all the circumstances, and
- (b) the estimated income which, in the opinion of the Department, the association might reasonably be expected to receive in respect of the project, including any sums received or to be received by way of grant, subsidy or contribution under any statutory provision, other than this Article,

and for this purpose estimated expenditure and estimated income shall be calculated in such manner as the Department may, with the consent of the Department of Finance, determine, and any such calculation may take account of expenditure likely to be incurred and income likely to be received after the completion of the project in connection with the premises to which the project relates.

(6) If, in the case of an application for a housing association grant in respect of a particular project, it appears to the Department that it would be appropriate to do so, the Department may for the purposes of this Article determine the net cost of the project to the association in such manner as the Department considers appropriate instead of in accordance with paragraph (5).

(7) Before making any general determination for the purposes of paragraph (4) or (5), the Department shall consult such bodies appearing to it to be representative of housing associations as it considers appropriate.

Payments of housing association grant

28.—(1) According as the Department may determine, a housing association grant in respect of a housing project shall be payable—

- (a) in a single sum at such time as, in the opinion of the Department, the project is completed, or
- (b) in annual instalments beginning in the financial year in which, in its opinion, the project is completed and continuing over such number of years as the Department may determine, either generally or in relation to the particular project,

but, in either case, the Department may, if it considers it appropriate to do so, make payments on account of the grant before the project is completed.

(2) In giving its approval to a housing project for the purposes of a housing association grant, the Department may provide that payment of the grant is conditional upon compliance by the housing association concerned with such conditions as it may specify, including (in a case where the project has not yet been completed) conditions as to the period within which it is to be completed.

(3) The Department may reduce the amount of, or of any payment in respect of, a housing association grant or suspend or discontinue the payment of any instalments of such a grant—

- (a) if it imposed any conditions under paragraph (2) and any of those conditions have not been complied with; or
- (b) if it is satisfied that the whole or any part of a building to which the project relates and which comprises or is intended to comprise housing or residential accommodation as defined in Article 27 (2)—
 - (i) has been converted, demolished or destroyed; or
 - (ii) is not fit to be used or is not being used for the purpose for which it was intended; or
 - (iii) has been sold or leased; or

(iv) has ceased for any reason whatsoever to be vested in the housing association concerned or in trustees for that association.

(4) If at any time any dwelling or hostel or part thereof to which a housing project relates is leased or becomes vested in a registered housing association or trustees for a registered housing association, other than the association by whom the application for the housing association grant relating to that project was made, the Department may pay to that other association the whole or any part of the grant or any instalment thereof which would otherwise have been paid after that time to the association by whom the application for the grant was made.

(5) If, at any time after a housing association grant or any payment in respect of such a grant has been made to a registered housing association, it appears to the Department that any building to which the housing project concerned relates has ceased to be available for use for the purpose for which, at the time the project was approved, it was intended that the building should be used, the Department may direct the association to pay to it an amount equal to the whole or such proportion as it may determine of that grant or, as the case may be, of any payment made in respect of such grant; and any amount which a registered housing association is directed to repay to the Department under this paragraph shall be recoverable as a simple contract debt in any court of competent jurisdiction.

(6) For the purposes of this Article, the whole or any part of any building is leased if and only if it is leased for a term exceeding 7 years, or for a term not exceeding 7 years granted by a lease which confers on the lessee an option for renewal for a term which, together with the original term, exceeds 7 years.

Revenue deficit grants for registered housing associations

29.—(1) The Department may, in accordance with the provisions of this Article, pay a grant (in this Article referred to as a “revenue deficit grant”) to a registered housing association, if the association incurs a deficit on its annual revenue account for an accounting year of the association ending on or after 1st January 1976.

(2) No revenue deficit grant shall be payable in respect of an accounting year of a registered housing association unless—

- (a) an application in respect of that year is made by the association to the Department not later than the expiry of the period of 15 months beginning immediately after the end of that year and that application is approved by it; and
- (b) the application is in such form and contains such information as the Department may determine; and
- (c) the application is accompanied by the audited accounts of the association for the accounting year to which the application relates.

(3) For the purposes of this Article, a registered housing association shall be treated as incurring a deficit on its annual revenue account for an accounting year of the association if—

- (a) the expenditure of the association for that year which, in the opinion of the Department, is attributable to dwellings provided by the association and any related property and is reasonable and appropriate, having regard to all the circumstances, exceeds
- (b) the income which, in the opinion of the Department, the association

might reasonably be expected to receive in respect of those dwellings and any related property in that year, including any sums received or to be received in respect of that year by way of grant or subsidy under any statutory provision, other than this Article,

and for this purpose expenditure and income shall be calculated in such manner as the Department may, with the consent of the Department of Finance, determine.

(4) The revenue deficit grant payable to a registered housing association in respect of any accounting year shall be of such amount as the Department may determine in relation to that association but shall not be greater than the amount of the excess determined for that year under paragraph (3).

(5) If the Department considers it appropriate to do so it may make payments on account of any revenue deficit grant which it considers is likely to become payable to a registered housing association in respect of any accounting year but, subject thereto, any such grant shall be paid in a single sum in respect of the accounting year to which it relates.

(6) In paragraph (3) "related property", in relation to dwellings provided by a housing association, means property of the association which is provided for the benefit of the persons occupying those dwellings.

Hostel deficit grants

30.—(1) The Department may, in accordance with the provisions of this Article, make a grant (in this Article referred to as a "hostel deficit grant") to any registered housing association which, in relation to a hostel managed by the association, incurs a revenue deficit in respect of an accounting year of the association ending on or after 1st January 1976.

(2) No hostel deficit grant shall be payable to a registered housing association in respect of any accounting year of the association unless an application in respect of that year is made by the association to the Department not later than the expiry of the period of 15 months beginning immediately after the end of that year and that application is approved by it.

(3) For the purposes of this Article, a registered housing association shall be treated as incurring, in relation to any hostel managed by it, a revenue deficit in respect of an accounting year of the association if—

(a) the expenditure of the association for that year which, in the opinion of the Department, is attributable to the hostel and reasonable and appropriate, having regard to all the circumstances, exceeds

(b) the income which, in the opinion of the Department, the association might reasonably be expected to receive in respect of the hostel in that year, including any sums received or to be received in respect of that year by way of grant or subsidy under any statutory provision, other than this Article, and so much as is reasonably attributable to the hostel of any sums received or to be received by the association in respect of that year otherwise than by reference to a specific hostel or purpose,

and for this purpose expenditure and income shall be calculated in such manner as the Department may, with the consent of the Department of Finance determine.

(4) In any case where more than one hostel is managed by the same registered housing association and that association makes an application for a hostel

deficit grant in respect of any accounting year of the association, the Department may, if it considers it appropriate to do so, treat all the hostels managed by the association, or any two or more of them, as a single hostel for the purpose of determining whether the association incurs a revenue deficit in respect of that year in relation to those hostels.

(5) The hostel deficit grant payable to a registered housing association in respect of any accounting year shall be of such amount as the Department may determine in relation to that association but shall not be greater than the amount of the excess determined for that year under paragraph (3).

(6) According as the Department may determine, a hostel deficit grant payable to a registered housing association in respect of any accounting year shall be payable—

(a) in a single sum, or

(b) in instalments payable at such times and in such manner as the Department may determine,

but, in either case, if the Department considers that a registered housing association is likely to be entitled to a hostel deficit grant in respect of any accounting year, it may make payments on account of such a grant before the expiry of that year.

(7) An application under paragraph (2) shall be in such form and contain such information as the Department may determine.

Existing contributions to housing associations: transition to housing association grants

31.—(1) Subject to paragraph (2), section 12 of the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946 (contributions in respect of provision of housing accommodation), and section 15 of the Housing Act (Northern Ireland) 1963, as it applies to housing associations (contributions for hostels) are hereby repealed.

(2) The repeal of the provisions mentioned in paragraph (1) shall not affect the payment, in accordance with those provisions, of—

(a) contributions to any housing association in respect of a housing scheme approved by the Department before the operative date; or

(b) any annual contributions which the Department may have determined to make before the operative date.

(3) Subject to paragraph (6), if, before the expiry of the period of one year beginning on the operative date, a registered housing association makes application for housing association grant in respect of a housing project—

(a) which is or includes a housing scheme which has previously been approved for the purposes of section 1 of the Housing Act (Northern Ireland) 1945, as applied by section 12 of the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946; or

(b) which is or includes the provision of a hostel in respect of which contributions have been made for the purposes of section 15 of the Housing Act (Northern Ireland) 1963,

the provisions of paragraph (4) shall apply.

(4) Subject to paragraph (6), if the Department gives its approval to a housing project of the type mentioned in paragraph (3) for the purposes of housing association grant—

- (a) no further contributions shall be made in respect of a housing scheme, as mentioned in paragraph (3) (a), or the provision of a hostel, as mentioned in paragraph (3) (b);
- (b) the Department may, under Article 28 (2), impose a condition requiring the repayment by the association of all or any contributions already made in respect of that housing scheme or the provision of that hostel; and
- (c) where any such condition as is referred to in sub-paragraph (b) is so imposed, no account shall be taken under Article 27 (5) (b) of any contributions received in respect of that housing scheme or the provision of that hostel which are required to be so repaid.

(5) Subject to paragraph (6), if, before the operative date, a registered housing association has applied for the approval of the Department under the said section 1 or for contributions under the said section 15 in respect of a housing scheme or the provision of hostel accommodation and, before that date, no such approval has been given or contributions made, then, for the purposes of Article 27, the application shall be treated as an application for housing association grant in respect of a housing project consisting of that housing scheme or the provision of that hostel accommodation and for the purpose of its consideration of the application for housing association grant, the Department may require the registered housing association to furnish to it such additional information as it may determine.

(6) The provisions of paragraphs (3), (4) and (5) shall apply only where a housing scheme or the provision of a hostel has been completed on or after 1st April 1975.

PART V

HOUSING ACTION AREAS

Declaration of housing action areas

32.—(1) Where a report with respect to an area consisting mainly of housing accommodation is submitted to the Executive by a person or persons appearing to the Executive to be suitably qualified (whether or not that person is or those persons include an officer of the Executive) and, upon consideration of the report and of any other information in its possession, the Executive is satisfied that, having regard to—

- (a) the physical state of the housing accommodation in the area as a whole, and
- (b) social conditions in the area,

the requirement in paragraph (2) is fulfilled with respect to the area, the Executive may cause the area to be defined on a map and, with the consent of the Department, by resolution declare it to be a housing action area.

(2) The requirement referred to in paragraph (1) is that the living conditions in the area are unsatisfactory and can most effectively be dealt with within a period of 5 years so as to secure—

- (a) the improvement of the housing accommodation in the area as a whole, and
 - (b) the well-being of the persons for the time being residing in the area, and
 - (c) the proper and effective management and use of that accommodation,
- by declaring the area to be a housing action area.

(3) In considering whether to take action under paragraph (1) with respect to any area, the Executive shall have regard to such guidance as may be given by the Department with regard to the identification of areas suitable to be declared as housing action areas.

(4) As soon as may be after passing a resolution declaring an area to be a housing action area, the Executive shall—

- (a) publish in two or more newspapers circulating in the locality (of which at least one shall, if practicable, be a local newspaper) a notice of the resolution identifying the area and naming a place or places where a copy of the resolution, a map on which the area is defined and of the report referred to in paragraph (1) may be inspected at all reasonable times;
- (b) take such further steps as may appear to it best designed to secure that the resolution is brought to the attention of persons residing or owning property in the area and that those persons are informed of the name and address of the person to whom should be addressed any inquiries and representations concerning any action to be taken with respect to the area or, as the case may be, any inquiries concerning the obligation so imposed; and
- (c) send a copy of the resolution to the district council for the local government district in which the housing action area lies.

(5) As soon as may be after a resolution has been passed under paragraph (1) declaring an area to be a housing action area the Executive shall cause the resolution to be registered in the Statutory Charges Register and accordingly at the end of Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (a) there shall be added the following paragraph—

“33. Any resolution passed under Article 32 of the Housing (Northern Ireland) Order 1976 declaring an area to be a housing action area.”.

(6) In this Part “housing accommodation” means dwellings, houses in multiple occupation and hostels.

Duration of housing action areas

33.—(1) Where the Executive has passed a resolution with respect to any area under Article 32(1), then, subject to the following provisions of this Article, the area shall be a housing action area throughout the period of 5 years beginning on the date on which the resolution was passed.

(2) If, not less than 3 months before the date on which, apart from any extension, or further extension under this paragraph, a housing action area would cease to be such an area, the Executive, with the consent of the Department, passes a resolution under this paragraph, the duration of the housing action area shall be extended, subject to paragraph (3), by the addition of a further period of 2 years.

(3) Notwithstanding anything in paragraphs (1) and (2), if the Executive, with the consent of the Department, by resolution under this paragraph so declares, an area which it had previously declared to be a housing action area shall cease to be such an area on the date on which the resolution under this paragraph was passed.

- (4) As soon as may be after passing a resolution under paragraph (2) or (3) the Executive shall—
- (a) publish in two or more newspapers circulating in the locality (of which at least one shall, if practicable, be a local newspaper) a notice of the resolution naming a place or places where a copy of the resolution may be inspected at all reasonable times;
 - (b) take such further steps as may appear to the Executive best designed to secure that the resolution is brought to the attention of persons residing or owning property in the housing action area concerned; and
 - (c) send a copy of the resolution to the district council for the local government district in which the housing action area lies.

Reduction of housing action area

34.—(1) The Executive may at any time, with the consent of the Department, by resolution exclude from a housing action area any land for the time being included therein.

(2) As soon as may be after passing a resolution under paragraph (1), the Executive shall—

- (a) publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) a notice of the resolution, identifying the housing action area concerned and the land excluded from it;
- (b) take such further steps as may appear to the Executive best designed to secure that the resolution is brought to the attention of persons residing or owning property in the housing action area;
- (c) send a copy of the resolution to the district council for the local government district in which the housing action area lies; and
- (d) apply to have any resolution, which has been registered in the Statutory Charges Register under Article 32 (5), amended in accordance with the resolution under paragraph (1).

Duty to publish information

35. Where the Executive has declared an area to be a housing action area, it shall be the duty of the Executive to bring to the attention of persons residing or owning property in the area—

- (a) the action which it proposes to take in relation to the housing action area, and
- (b) the assistance available for the improvement of the housing accommodation in the area,

by publishing in such manner as appears to it appropriate, such information as is in its opinion best designed to further the purpose for which the area was declared a housing action area.

Acquisition of land in housing action areas

36.—(1) Where the Executive has declared an area to be a housing action area, it may acquire by agreement or compulsorily any land in the area for the purpose of securing or assisting in securing all or any of the objectives specified in Article 32.

(2) Where under paragraph (1) the Executive desires to acquire any land compulsorily, it may submit an application to the Department for a vesting order in relation to that land and the Department may, in accordance with

section 14 of the Housing Act (Northern Ireland) 1945, make an order vesting the land in the Executive, and for the purposes of section 149 (3) of the Local Government Act (Northern Ireland) 1972 this Article shall be deemed to be a provision passed before that Act.

(3) If at any time after—

(a) the Executive has entered into a contract for the acquisition of land falling within paragraph (1), or

(b) an order vesting any such land has been made,

the housing action area concerned ceases to be such an area or the land concerned is excluded from the area, the provisions of this Article shall continue to apply as if the land continued to be in a housing action area.

Provision, improvement etc. of housing accommodation by the Executive

37. The Executive may, for the purpose specified in Article 36 (1), undertake on any land vested in it, which is situated in a housing action area, all or any of the following activities—

(a) the provision of housing accommodation, by the construction, conversion or improvement of buildings or otherwise;

(b) the carrying out of works required for the improvement or repair of housing accommodation, including work to the exterior, or on land within the curtilage, of buildings containing housing accommodation;

(c) the demolition of existing buildings;

(d) the management of housing accommodation; and

(e) the provision of furniture, fittings or services in or in relation to housing accommodation;

and section 21 of the Housing Act (Northern Ireland) 1945 shall apply to the powers exercisable by the Executive under this Article, in connection with the provision of housing accommodation.

Assistance for carrying out environmental works

38.—(1) For the purpose of effecting or assisting the improvement of living conditions in a housing action area, the Executive may, in accordance with the following provisions of this Article, give assistance towards the carrying out of works (in this Article referred to as “environmental works”)—

(a) to the exterior, or on land within the curtilage, of buildings containing housing accommodation, not being works in respect of which an application for a grant under Part VI has been approved; or

(b) on land not falling within sub-paragraph (a) for the purpose of improving the amenities of the area.

(2) Subject to paragraph (3), assistance under paragraph (1) may be given to any person having an estate in the building or land concerned and shall consist of all or any of the following, namely—

(a) a grant in respect of expenditure which appears to the Executive to have been properly incurred in the carrying out of environmental works;

(b) the provision of materials for the carrying out of environmental works; and

(c) by agreement with the person concerned, the execution of environmental works at his expense, at the expense of the Executive, or partly, at his expense and partly at the expense of the Executive.

(3) No assistance may be given under paragraph (1) in respect of a building or land in which the Executive has such an estate as would enable the Executive itself to carry out environmental works in relation thereto.

(4) A grant under paragraph (2) (a) may be paid after the completion of the works towards the cost of which it is payable or part of it may be paid in instalments as the works progress and the balance after the completion of the works; and where part of any such grant is paid in instalments the aggregate of the instalments paid shall not at any time before the completion of the works exceed one-half of the aggregate cost of the works executed up to that time.

(5) The value of any assistance given by the Executive under paragraph (1) shall not exceed such amount as the Department may, with the consent of the Department of Finance, determine.

Contributions towards expenditure of the Executive

39. The Department may—

- (a) with the consent of the Department of Finance, pay to the Executive such contributions as the Department may determine in respect of the expenditure incurred, or likely to be incurred in securing or assisting in securing all or any of the objectives specified in Article 32; and
- (b) pay the expenses of the Executive in giving assistance towards the carrying out of environmental works under Article 38 (1).

Application of certain provisions of Housing Acts

40. The provisions of section 43 (1) (a) and (d) and section 44 of the Housing Act (Northern Ireland) 1961 (a) shall have effect in relation to any land in a housing action area as if the references in section 43 (1) (a) and (d) to the Housing Acts included a reference to this Part.

PART VI

FINANCIAL ASSISTANCE TOWARDS WORKS OF IMPROVEMENT,
REPAIR AND CONVERSION

Grants by the Executive for provision, improvement and repair of dwellings

41.—(1) Grants of the descriptions specified in paragraph (2) shall be payable by the Executive in accordance with the following provisions of this Part towards the cost of works required for—

- (a) the provision of dwellings by the conversion of houses or other buildings,
- (b) the improvement of dwellings, and
- (c) the repair of dwellings,

where the provision, improvement or repair is by a person other than the Executive.

(2) The grants referred to in paragraph (1) are—

- (a) an “improvement grant” in respect of works required for the provision of a dwelling (as mentioned in paragraph (1) (a)) or for the improvement of a dwelling, not being works falling entirely within paragraph (2) (b);

(a) 1961 c. 12 (N.I.).

- (b) an “intermediate grant” in respect of—
 - (i) works required for the improvement of a dwelling by the provision of standard amenities which it lacks (including works such as are referred to in Article 50 (4) (b)); or
 - (ii) works required for the provision for a dwelling for a disabled occupant of any standard amenity where an existing amenity of the same description is not readily accessible to him, by reason of his disability;
- (c) a “repairs grant” in respect of works of repair or replacement relating to a dwelling, not being works associated with other works required for the provision (as mentioned in paragraph (1) (a)) or improvement of the dwelling.

General provisions relating to applications for grants

42.—(1) No grant shall be paid by the Executive unless an application is made to it in accordance with the provisions of this Part.

- (2) An application for a grant shall—
 - (a) specify the premises to which the application relates;
 - (b) contain particulars of the works in respect of which the grant is sought (in this Part referred to as “the relevant works”) and an estimate of their cost; and
 - (c) contain such other particulars as may for the time being be specified by the Department.

(3) The Executive shall not, except with the consent of the Department, approve an application for a grant unless it is satisfied that in relation to every parcel of land on which the relevant works are to be or have been carried out—

- (a) the applicant has a fee simple (including a fee farm) estate in possession or a leasehold estate in possession of which not less than five years remain unexpired at the date of the application; or
- (b) the applicant is entitled (otherwise than as a mortgagee or chargeant not in possession) to dispose, whether with or without the consent of any other person, of any such estate as is mentioned in sub-paragraph (a); or
- (c) in the case of an application for an intermediate grant or a repairs grant, the applicant is a tenant of a dwelling to which the Rent Restriction Acts apply and his landlord has given his written consent to the execution of the works.

(4) Where the consent of any other person is necessary to enable an applicant to dispose of his estate in the dwelling, the Executive shall not entertain the application unless that other person consents to its being made, but subject to that, no provision contained in any deed, will or other instrument whatsoever shall operate to restrict the right of an applicant to apply for or to receive a grant.

(5) The Executive may pay a grant to any person in whom the estate in a dwelling of an applicant for a grant becomes vested by assignment or operation of law.

(6) If the Department has given directions to the Executive for the purposes of this paragraph, applying to any application for an improvement grant an intermediate grant or a repairs grant which is of a description specified in the

directions, the Executive shall not approve an application to which they apply except with the consent of the Department.

(7) The Executive shall not approve an application for a grant if the relevant works have been begun unless it is satisfied that there were good reasons for beginning the works before the application was approved.

(8) Except in so far as this Order otherwise provides, the Executive shall not entertain an application for a grant if the relevant works are or include—

- (a) works which were the relevant works in relation to an application which has previously been approved under this Part; or
- (b) works which were specified in an application for a grant under Part I of the Housing Act (Northern Ireland) 1971 (a) which was approved;
- (c) works which were specified in an application for a grant under Part III of the Housing on Farms Act (Northern Ireland) 1972 (b) which was approved,

and the applicant for the grant is, or is the personal representative of, the person who made the earlier application.

(9) If, after an application for a grant has been approved, the Executive is satisfied that owing to circumstances beyond the control of the applicant the relevant works cannot be carried out on the basis of the estimate contained in the application it may, on receiving a further estimate, redetermine the estimated expense in relation to the grant and make such other adjustments relating to the amount of the grant as appear to it to be appropriate.

(10) The amount of a grant shall not be increased by virtue of paragraph (9) beyond the amount which could have been notified as the amount of the grant when the application was approved if the estimate contained in the application had been for the same amount as the further estimate.

Standard amenities

43.—(1) Subject to paragraph (2), the “standard amenities” for the purposes of this Part are the amenities which are described in the first column of Part I of Schedule 3 and conform to such of the provisions of Part II of that Schedule as are applicable.

(2) The Department may by order vary the provisions of Schedule 3 and any such order may contain such transitional or other supplemental provisions as appear to the Department to be expedient.

Appropriate percentage

44.—(1) In this Part “the appropriate percentage” (which is relevant for determining the amount, or the maximum amount, of any grant) shall be 75 per cent.

(2) If in the case of premises which are in a housing action area on the date on which the application for the grant concerned is approved, it appears to the Executive that the applicant will not without undue hardship be able to finance the cost of so much of the relevant works as is not met by the grant, the Executive may treat the appropriate percentage as increased to such percentage not exceeding 90 per cent as it thinks fit.

(a) 1971 c. 16 (N.I.).

(b) 1972 c. 3 (N.I.).

(3) If, at any time after an application for a grant has been approved but before the relevant works have been begun, an area which includes the land on which the premises concerned are situated is declared to be a housing action area, the Executive shall allow the application to be withdrawn with a view to enabling the applicant to make further application for a grant.

(4) The Department may, with the consent of the Department of Finance, by order vary the percentages specified in paragraphs (1) and (2).

Certificates of future occupation

45.—(1) The Executive shall not entertain an application for a grant, other than a repairs grant, or an intermediate grant to which Article 42 (3) (c) applies, unless the application is accompanied by a certificate under this Article as to future occupation of the dwelling or, as the case may be, each of the dwellings for the provision or improvement of which the grant is sought.

(2) A certificate of future occupation shall be either a certificate of owner-occupation under paragraph (3) or (4) or a certificate of availability for letting under paragraph (5).

(3) Subject to paragraph (4), for the purposes of this Part a “certificate of owner-occupation” is a certificate stating that the applicant for the grant intends that, on or before the first anniversary of the certified date and throughout the period of 4 years beginning on that first anniversary, the dwelling will be his only or main residence and will be occupied exclusively by himself and members of his household (if any).

(4) For the purposes of this Part, in a case where an application for a grant is made by the personal representatives of a deceased person or by trustees, a “certificate of owner-occupation” is a certificate stating that the applicants are personal representatives or trustees and intend that, on or before the first anniversary of the certified date and throughout the period of 4 years beginning on that first anniversary, the dwelling will be the only or main residence of, and exclusively occupied by, a person who, under the will or intestacy or, as the case may require, under the terms of the trust or settlement, is beneficially entitled to an interest in the dwelling or the proceeds of sale thereof and members of his household (if any).

(5) For the purposes of this Part a “certificate of availability for letting” is a certificate stating that the applicant for the grant intends that, throughout the period of 5 years beginning with the certified date,—

- (a) the dwelling will be let or available for letting as a residence, and not for a holiday, to a person other than a member of the applicant’s family; or
- (b) the dwelling will be occupied or available for occupation by an approved worker within the meaning of section 4 (1) (a) of the Housing on Farms Act (Northern Ireland) 1972.

(6) Where any dwelling, in respect of which a grant, other than a repairs grant has been paid, is not in fact occupied in accordance with the statement of the applicant in the certificate of future occupation, the Executive may forthwith require the applicant or his personal representatives to repay the grant, or such part thereof as it may think fit, together with compound interest which shall be payable thereon as from the certified date, with yearly rests, at such rate as is determined by the Department of Finance for the purposes of paragraph 18 (2) of Schedule 6 to the Local Government Act (Northern Ireland) 1972.

Net annual value limit on improvement and repairs grants

46.—(1) If an application for an improvement grant in respect of works required for the improvement of a dwelling or dwellings is accompanied by a certificate of owner-occupation relating to that dwelling or, as the case may be, one of those dwellings, the Executive shall not approve the application if, on the date of the application, the net annual value of the dwelling to which that certificate relates is in excess of the relevant limit.

(2) If an application for an improvement grant in respect of works required for the provision of a dwelling or dwellings by the conversion of any premises which consist of or include a house or two or more houses is accompanied by a certificate of owner-occupation in respect of that dwelling or, as the case may be, one of those dwellings, the Executive shall not approve the application if, on the date of the application,—

- (a) the net annual value of that house or, as the case may be, any of those houses, or
- (b) where the certificate relates to a dwelling to be provided by the conversion of premises consisting of or including two or more houses, the aggregate of the net annual values of those houses,

is in excess of the relevant limit.

(3) The Executive shall not approve an application for a repairs grant in respect of a dwelling or dwellings, other than a dwelling or dwellings to which the Rent Restriction Acts apply, if, on the date of the application, the net annual value of the dwelling or, as the case may be, one of those dwellings to which the application relates is in excess of the relevant limit.

(4) In this Article “the relevant limit” means—

- (a) in relation to dwellings falling within paragraph (1), not being dwellings falling within sub-paragraph (b)..... £175,
- (b) in relation to dwellings falling within paragraph (1), where the dwelling is intended to be or is being used as a farmhouse and where the Department of Agriculture certifies that, in its opinion, it is necessary for the efficient working of the farm on which the dwelling is situated that there should be a proper farmhouse thereon..... £300,
- (c) in relation to houses converted as mentioned in paragraph (2).... £350,
- (d) in relation to dwellings falling within paragraph (3)..... £130.

(5) The Department may, with the consent of the Department of Finance, by order vary the relevant limits.

(6) For the purposes of this Article the net annual value on any day of a dwelling or house shall be determined as follows—

- (a) if the dwelling or house is a hereditament for which a net annual value is then shown in the valuation list, it shall be that net annual value;
- (b) if the dwelling or house forms part only of such a hereditament or consists of or forms part of more than one such hereditament, its net annual value shall be taken to be such value as the Executive, after consultation with the applicant as to an appropriate apportionment or aggregation, shall determine.

Improvement Grants

47.—(1) The Executive shall pay an improvement grant if—

- (a) an application for such a grant, made in accordance with this Part, is approved by it, and
- (b) the conditions for the payment of the grant are fulfilled,

and, subject to the provisions of this Part, the Executive may approve an application for an improvement grant in such circumstances as it thinks fit.

(2) The Executive shall not approve an application for an improvement grant unless it is satisfied that, on completion of the relevant works, the dwelling, or, as the case may be, each of the dwellings to which the application relates will attain the required standard.

(3) For the purposes of this Article a dwelling shall be taken, subject to paragraphs (4) and (5), to attain the required standard if the following conditions are fulfilled with respect to it, namely—

- (a) that it is provided with all the standard amenities for the exclusive use of its occupants; and
- (b) that it is in good repair (disregarding the state of internal decorative repair) having regard to its age and character and the locality in which it is situated; and
- (c) that it conforms with such requirements with respect to construction and physical conditions and the provision of services and amenities as may for the time being be specified by the Department for the purposes of this Article; and
- (d) that it is likely to provide satisfactory housing accommodation for a period of 15 years from the completion of the relevant works.

(4) If it appears to the Executive that it is not practicable at reasonable expense for a dwelling to which an application for an improvement grant relates—

- (a) to be provided with all the standard amenities, or
- (b) to attain the standard of repair required by the condition in paragraph (3) (b), or
- (c) to conform in every respect with the requirements referred to in paragraph (3) (c),

the Executive may, in the case of that dwelling, reduce the required standard by dispensing with the condition in question to such extent as will enable it if it thinks fit, to approve the application.

(5) If it appears to the Executive reasonable to do so in the case of any dwelling to which an application for an improvement grant relates, it may reduce the required standard by substituting for the period specified in paragraph (3) (d) such shorter period of not less than 10 years as appears to it to be appropriate in the circumstances.

Determination of estimated expense in relation to improvement grant

48.—(1) Where the Executive approves an application for an improvement grant it shall determine the amount of the expenses which, in its opinion, are proper to be incurred for the execution of the relevant works and shall notify the applicant of that amount; and, in relation to an improvement grant which has been approved, the amount so notified is in this Article and Article 49 referred to as “the estimated expense” of the relevant works.

(2) Not more than 50 per cent, or such other percentage as the Department may by order specify, of the estimated expense of any works shall be allowed for works of repair and replacement.

(3) If the applicant satisfies the Executive that the relevant works cannot be or could not have been carried out without the carrying out of additional works and that this could not have been reasonably foreseen at the time the application was made, the Executive may, subject to paragraph (2), determine a higher amount as the amount of the estimated expense.

Amount of improvement grant

49.—(1) Subject to the provisions of this Article, the amount of an improvement grant shall be such as may be fixed by the Executive when it approves the application for the grant but shall not exceed the appropriate percentage of the eligible expense.

(2) Together with the notification under Article 48 (1), the Executive shall send to the applicant a notification of the amount of the grant.

(3) Except in a case or description of case in respect of which the Department approves a higher eligible expense, the eligible expense for the purposes of an improvement grant shall be so much of the estimated expense as does not exceed the relevant limit; and, subject to paragraphs (4) and (6), “the relevant limit”, in relation to an improvement grant, is the amount for the dwelling, or if the application for the grant relates to more than one dwelling the total of the amounts for each of the dwellings, applicable under the following sub-paragraphs, that is to say—

- (a) for a dwelling which is improved by the relevant works, £3,200 or such other amount as the Department may by order specify; and
- (b) for a dwelling which is provided by the conversion of a house or other building, £3,700, or such other amount as the Department may by order specify.

(4) If the Executive is satisfied in a particular case that there are good reasons for increasing the amount which, apart from this paragraph would constitute the relevant limit, it may substitute for that amount such higher amount as the Department may approve.

(5) Where, after the amount of an improvement grant has been fixed under paragraph (1), the Executive, in exercise of its powers under Article 48 (3), substitutes a higher amount as the amount of the estimated expense, the eligible expense shall be re-calculated under paragraph (3) and if, on that re-calculation, the amount of the eligible expense is greater than it was at the time when the application was approved,—

- (a) the amount of the improvement grant shall be increased accordingly; and
- (b) the Executive shall notify the applicant of the increased amount of the grant.

(6) Where—

- (a) a specified grant, within the meaning of paragraph (7), has been made in respect of a dwelling, and
- (b) within the period of 15 years beginning on the date on which the grant was paid, or if it was paid by instalments the date on which the last instalment was paid, an improvement grant is made under this Part in respect of that dwelling,

the amount of that improvement grant shall not exceed that of an improvement grant calculated by reference to the relevant limit as provided in paragraph (3), reduced by the unrepaid amount, if any, of that previous grant.

(7) For the purposes of paragraph (6) (a), a specified grant means any of the following, namely—

- (a) a contribution under Part I of the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946, or
- (b) a grant under Part III of the Housing (No. 2) Act (Northern Ireland) 1946 (a), or
- (c) a grant under the Hill Farming Act 1946 (b), or
- (d) a grant under Part I, Part II or Part III of the Housing on Farms Act (Northern Ireland) 1950 (c), or
- (e) a conversion grant or improvement grant within the meaning of Part II of the Housing Act (Northern Ireland) 1956, or
- (f) a standard grant within the meaning of Part I of the Housing Act (Northern Ireland) 1963, or
- (g) a grant under Part II of the Agriculture Act 1967 (d), or
- (h) a grant under Part II of the Agriculture Act 1970 (e), or
- (i) an improvement grant or a standard grant within the meaning of Part of the Housing Act (Northern Ireland) 1971, or
- (j) a grant under Part I, Part II or Part III of the Housing on Farms Act (Northern Ireland) 1972, or
- (k) an improvement grant, intermediate grant or repairs grant within the meaning of this Part.

Intermediate grants

50.—(1) The Executive shall pay an intermediate grant if—

- (a) an application for such a grant, made in accordance with this Part, is approved by it; and
- (b) the conditions for the payment of the grant are fulfilled.

(2) Subject to paragraph (3), an application for an intermediate grant shall—

- (a) specify the standard amenity or amenities which it is intended to provide by the relevant works; and
- (b) if some only of the standard amenities are specified as mentioned in sub-paragraph (a), state whether the dwelling is already provided with the remainder; and
- (c) contain a statement, with respect to each of the standard amenities specified as mentioned in sub-paragraph (a), whether, to the best of the knowledge and belief of the applicant, the dwelling has been without that amenity for a period of not less than 12 months ending with the date on which the application is made.

(3) An application for an intermediate grant in respect of a dwelling for a disabled occupant may contain, as an alternative, in relation to any of the standard amenities specified as mentioned in paragraph (2) (a), to a statement

(a) 1946 c. 20 (N.I.), (b) 1946 c. 73. (c) 1950 c. 21 (N.I).
(d) 1967 c. 22. (e) 1970 c. 40.

under paragraph (2) (c), a statement that the dwelling possesses such an amenity but that it is not or will not be readily accessible to the disabled occupant, by reason of his disability.

(4) Subject to paragraph (5), the Executive shall not approve an application for an intermediate grant unless it is satisfied, with respect to each of the standard amenities specified as mentioned in paragraph (2) (a), either—

- (a) that the dwelling concerned has been without the amenity in question for a period of not less than 12 months ending with the date on which the application is made; or
- (b) that the dwelling is provided with the amenity in question on the date of the application but the relevant works, exclusive of those for the provision of that amenity, involve interference with or replacement of that amenity and it would not be reasonably practicable to avoid the interference or replacement.

(5) Where an application for an intermediate grant in respect of a dwelling for a disabled occupant contains a statement under paragraph (3), this Article shall have effect, in relation to any amenity mentioned in that statement, as if for paragraph (4) there were substituted the following paragraph—

“(4) The Executive shall not approve an application for an intermediate grant unless it is satisfied that any existing amenity mentioned in the statement under paragraph (3) is not or will not be readily accessible to the disabled occupant by reason of his disability.”.

Approval of application for intermediate grant conditional on dwelling attaining a particular standard

51.—(1) The Executive shall not approve an application for an intermediate grant unless it is satisfied that, on completion of the relevant works, the dwelling or, as the case may be, each of the dwellings to which the application relates will attain the full standard, or if any of paragraphs (3) to (6) applies, the reduced standard.

(2) For the purposes of this Article a dwelling shall be taken to attain the full standard if the following conditions are fulfilled with respect to it, namely—

- (a) that it is provided with all the standard amenities for the exclusive use of its occupants; and
- (b) that it is in good repair (disregarding the state of internal decorative repair) having regard to its age and character and the locality in which it is situated; and
- (c) that it conforms with such requirements with respect to thermal insulation as may for the time being be specified by the Department for the purposes of this paragraph; and
- (d) that it is in all other respects fit for human habitation, construing that expression in accordance with section 40 of the Planning and Housing Act (Northern Ireland) 1931; and
- (e) that it is likely to be available for use as a dwelling for a period of 10 years or such other period as may for the time being be specified by the Department for the purposes of this paragraph.

(3) Where an application for an intermediate grant contains a statement, and the Executive is satisfied, that it is not practicable at reasonable expense for the dwelling to which the application relates to be provided with all the standard amenities, it may dispense with the condition in paragraph (2) (a).

(4) If it appears to the Executive that it is not practicable at reasonable expense for a dwelling to which an application for an intermediate grant relates—

- (a) to attain the standard of repair required by the condition in paragraph (2) (b),
- (b) to conform in every respect with the requirements referred to in paragraph (2) (c), or
- (c) to comply with the condition in paragraph (2) (d),

the Executive may, in the case of that dwelling, dispense with the condition in question to such extent as will enable it, if it thinks fit, to approve the application.

(5) If, in relation to an application for an intermediate grant, it appears to the Executive that the applicant will not without undue hardship be able to finance the cost of all works necessary to enable any dwelling to which the application relates to attain the full standard, it may in the case of that dwelling, dispense, in whole or in part, with any of the conditions in paragraph (2) (a) to (d), to such extent as will enable it, if it thinks fit, to approve the application.

(6) If it appears to the Executive reasonable to do so in the case of any dwellings to which an application for an intermediate grant relates, it may in the case of that dwelling vary the condition in paragraph (2) (e) by substituting for the period 10 years or such other period as may for the time being be specified as mentioned in that paragraph such shorter period as appears to it to be appropriate in the circumstances.

(7) If, in relation to any dwelling, the Executive by virtue of paragraphs (3), (4), (5) or (6) dispenses, in whole or in part, with any of the conditions in paragraph (2) (a) to (d) or varies the condition in sub-paragraph (e) of that paragraph, then for the purposes of this Article the dwelling concerned shall be taken to attain the reduced standard, if, subject to any such dispensation or variation, the conditions in paragraph (2) are fulfilled with respect to it.

Approval of certain applications for intermediate grant

52.—(1) Subject to Articles 42, 45, 50 (2) and (4), and 51, the Executive shall approve an application for an intermediate grant which is duly made in accordance with this Part.

(2) Where the relevant works specified in an application for an intermediate grant include works of repair or replacement which go beyond those needed, in the opinion of the Executive, for the purposes of enabling the dwelling concerned to attain the full standard or the reduced standard, as the case may require, the Executive may, with the consent of the applicant, treat the application as varied so that the relevant works—

- (a) are confined to works other than works of repair or replacement, or
- (b) include only such works of repair or replacement as (taken with the rest of the relevant works) will secure, in the opinion of the Executive, that the dwelling will attain the full standard or the reduced standard as the case may require,

and may approve the application as so varied.

(3) In this Article “the full standard” and “the reduced standard” have the same meanings as in Article 51.

Determination of estimated expense and amount of intermediate grant

53.—(1) Where the Executive approves an application for an intermediate grant it shall determine separately—

- (a) the amount of the expenses which in its opinion are proper to be incurred for the execution of those of the relevant works which consist of works of repair or replacement, and
- (b) the amount of the expenses which in its opinion are proper to be incurred for the execution of those of the relevant works which relate solely to the provision of the standard amenities,

and shall notify the applicant of the amounts determined by it under this paragraph.

(2) If the applicant satisfies the Executive that the relevant works cannot be or could not have been carried out without the carrying out of additional works and that this could not have been reasonably foreseen at the time the application was made, the Executive may determine a higher amount under either or both of sub-paragraphs (a) and (b) of paragraph (1).

(3) Except in a case or description of case in respect of which the Department approves a higher eligible expense, the eligible expense for the purposes of an intermediate grant shall be the aggregate of—

- (a) so much of the amount determined under paragraph (1) (a) as does not exceed £800 or such other amount as the Department may by order specify; and
- (b) so much of the amount determined under paragraph (1) (b) as does not exceed the total of the amounts specified in the second column of Part I of Schedule 3 in relation to each of the standard amenities which are to be provided by the relevant works.

(4) Where the relevant works make provision for more than one standard amenity of the same description, only one amenity of that description shall be taken into account under paragraphs (1) to (3).

(5) Subject to paragraph (6), the amount of an intermediate grant shall be the appropriate percentage of the eligible expense and, together with the notification under paragraph (1), the Executive shall send to the applicant a notification of the amount of the grant.

(6) Where, after the amount of an intermediate grant has been notified to the applicant under paragraph (5), the Executive, in exercise of its powers under paragraph (2), determines a higher amount under either or both of sub-paragraphs (a) and (b) of paragraph (1), the eligible expense shall be recalculated under paragraph (3) and if, on that re-calculation, the amount of the eligible expense is greater than it was at the time when the application was approved—

- (a) the amount of the intermediate grant shall be increased accordingly; and
- (b) the Executive shall notify the applicant of the increased amount of the grant.

Repairs grants

54.—(1) The Executive shall pay a repairs grant if—

- (a) an application for such grant, made in accordance with this Part, is approved by it, and
- (b) the conditions for the payment of the grant are fulfilled,

and, subject to the provisions of this Part, the Executive may approve an application for a repairs grant in such circumstances as it thinks fit.

(2) The Executive shall not approve an application for a repairs grant unless it is satisfied that on completion of the relevant works the dwelling or, as the case may be, each of the dwellings to which the application relates will attain the relevant standard of repair.

(3) Without prejudice to the discretion of the Executive to approve or decline to approve an application for a repairs grant, if, in the opinion of the Executive, the relevant works are more extensive than is necessary for the purpose of securing that the dwelling, or, as the case may be, any of the dwellings to which the application relates will attain the relevant standard of repair, the Executive may, with the consent of the applicant, treat the application as varied so that the relevant works include only such works as seem to the Executive to be necessary for that purpose, and may approve the application as so varied.

(4) If it appears to the Executive that it is not practicable at reasonable expense for a dwelling to which an application for a repairs grant relates to attain the relevant standard of repair it may dispense with the condition in paragraph (2).

(5) If, in relation to an application for a repairs grant, it appears to the Executive that the applicant will not without undue hardship be able to finance the cost of all the works necessary to enable the dwelling, or, as the case may be, any of the dwellings to which the application relates to attain the relevant standard of repair it may dispense with the condition in paragraph (2).

(6) Without prejudice to paragraphs (4) and (5), the Executive may, with the consent of the Department, approve an application for a repairs grant notwithstanding that on completion of the relevant works the dwelling, or, as the case may be, any of the dwellings to which the application relates, will not attain the relevant standard of repair.

(7) For the purposes of this Article a dwelling shall be taken to attain the relevant standard of repair if it is in good repair (disregarding the state of internal decorative repair) having regard to its age and character and the locality in which it is situated.

Determination of estimated expense and amount of repairs grant

55.—(1) Where the Executive approves an application for a repairs grant it shall determine the amount of the expenses which in its opinion are proper to be incurred for the execution of the relevant works and shall notify the applicant of that amount.

(2) If the applicant satisfies the Executive that the relevant works cannot be or could not have been carried out without the carrying out of additional works and that this could not have been reasonably foreseen at the time the application was made, the Executive may determine a higher amount under paragraph (1).

(3) Except in a case or description of case in respect of which the Department approves a higher eligible expense, the eligible expense for the purposes of a repairs grant shall be so much of the amount determined under paragraph (1) as does not exceed £800 or such other amount as the Department may by order specify.

(4) The amount of a repairs grant shall be such as may be fixed by the Executive when it approves the application for the grant but, subject to paragraph (5), shall not exceed the appropriate percentage of the eligible expense and, together with the notification under paragraph (1), the Executive shall send to the applicant a notification of the amount of the grant.

(5) Where, after the amount of a repairs grant has been notified to the applicant under paragraph (4), the Executive, in exercise of its powers under

paragraph (2), determines a higher amount under paragraph (1), the eligible expense shall be re-calculated under paragraph (3), and if, on that re-calculation, the amount of the eligible expense is greater than it was at the time when the application was approved—

- (a) the amount of the repairs grant shall be increased accordingly; and
- (b) the Executive shall notify the applicant of the increased amount of the grant.

(6) Where, within a period of 10 years, two or more successive repairs grants are made in respect of the same dwelling, the aggregate amount of such grants shall not exceed that of a repairs grant calculated by reference to the limit of the eligible expense as provided in paragraph (3).

Power of Department to prescribe grant conditions

56.—(1) The Department may by order prescribe conditions to be observed with respect to the future occupation of dwellings where an application for an improvement grant, an intermediate grant or a repairs grant has been paid by the Executive.

(2) Without prejudice to the generality of paragraph (1) an order under that paragraph may—

- (a) specify the period during which the conditions shall apply;
- (b) require that the dwelling to which the grant relates shall—
 - (i) be occupied exclusively by the applicant and members of his household (if any) as his only or main residence, or
 - (ii) be let or available for letting as a residence, and not for a holiday, to a person other than a member of the applicant's family;
- (c) contain provisions as to the enforceability of the grant conditions and as to their registration in the Statutory Charges Register; and
- (d) require the repayment of the grant, together with compound interest thereon, in the event of a breach of a grant condition, and may provide that the grant conditions shall cease to be in force in the event of voluntary repayment of the grant together with compound interest thereon.

(3) The period specified under paragraph (2) (a) shall not exceed five years beginning with the certified date.

(4) For the purposes of paragraph (2) (d) compound interest shall be payable as from the certified date, with yearly rests, at such rate as is determined by the Department of Finance for the purposes of paragraph 18 (2) of Schedule 6 to the Local Government Act (Northern Ireland) 1972.

(5) The following paragraph shall be added at the end of Schedule 11 to the Land Registration Act (Northern Ireland) 1970—

“34. Any statutory conditions attached, by virtue of an order made under Article 56 of the Housing (Northern Ireland) Order 1976, to any dwellings in respect of which a grant has been paid under Part VI of that Order.”

Contributions by Department towards grants

57. The Department may make a contribution towards the expense incurred by the Executive in making an improvement grant, an intermediate grant or a repairs grant equal to the amount of the grant made by the Executive.

Statement of reasons for refusing application for grant or fixing grant at less than maximum

58. If the Executive—

- (a) does not approve an application for a grant, or
 - (b) fixes the amount of an improvement grant or a repairs grant at less than the appropriate percentage of the eligible expense within the meaning of Article 49, or, as the case may be, Article 55,
- it shall state to the applicant in writing its reasons for doing so.

Grants restricted to applicant and his personal representatives

59.—(1) In relation to a grant or an application therefor, any reference in the preceding provisions of this Part and in paragraph (2) to the applicant shall be construed, in relation to any time after his death, as a reference to his personal representatives.

(2) If, before the certified date an applicant for a grant ceases to have such an estate as is referred to in Article 42 (3)—

- (a) no grant shall be paid or, if any instalment of the grant was paid before the applicant ceased to have such an estate, no further instalments shall be paid; and
- (b) any instalment of the grant which has been paid to the applicant shall, on being demanded by the Executive, forthwith become repayable to it by the applicant together with interest thereon from the date on which it was paid until repayment at such rate as is determined by order made by the Department of Finance for the purposes of paragraph 18 (2) of Schedule 6 to the Local Government Act (Northern Ireland) 1972.

Payment of grants

60.—(1) In approving an application for a grant the Executive may require as a condition of paying the grant that the relevant works are carried out within such time, not being less than 12 months, as the Executive may specify or such further time as it may allow.

(2) Where the Executive is satisfied under Article 48 (3), 53 (2) or 55 (2) that the relevant works cannot be or could not have been carried out without the carrying out of additional works, it may, without prejudice to paragraph (1), allow further time as the time within which the relevant works and the additional works are to be carried out.

(3) A grant may be paid after the completion of the works towards the cost of which it is payable or part of it may be paid in instalments as the works progress and the balance after the completion of the works.

(4) Where the grant is paid by instalments, the aggregate of the instalments paid shall not at any time before the completion of the works exceed three quarters, or such other fraction as the Department may by order determine, of the aggregate cost of the works executed up to that time.

(5) The payment of a grant or of any part thereof shall be conditional upon the works or the corresponding part of the works being executed to the satisfaction of the Executive.

(6) If an instalment of a grant is paid before the completion of the works and the works are not completed within the time specified in paragraph (7), that instalment and any further sums paid by the Executive as part of the grant shall, on being demanded by the Executive, forthwith become payable to it by the person who made the application for the grant or his personal representatives and shall carry interest from the date on which it was paid until repayment at

such rate as is determined by order made by the Department of Finance for the purposes of paragraph 18 (2) of Schedule 6 to the Local Government Act (Northern Ireland) 1972.

(7) Where the Executive has not specified a time under paragraph (1) for the completion of the works, the time referred to in paragraph (6) is 12 months from the date on which the instalment is paid or such further time as the Executive may allow; and where it has specified a time under paragraph (1) or allowed further time under that paragraph or paragraph (2) the time referred to in paragraph (6) is the time so specified or allowed.

Interpretation of Part VI

61.—(1) In this Part—

“appropriate percentage” has the meaning assigned to it by Article 44;

“certified date”, in relation to a dwelling in respect of which an application for a grant has been approved, means the date certified by the Executive as the date on which the dwelling first becomes fit for occupation after the completion of the relevant works to the satisfaction of the Executive;

“disabled occupant” means a disabled person for whose benefit it is proposed to carry out any of the relevant works;

“disabled person” means—

(a) any person who is registered in pursuance of arrangements made by a Health and Social Services Board under paragraph (1) of Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (a), and

(b) any other person who in the opinion of a Health and Social Services Board would qualify for registration under the arrangements referred to in that paragraph;

“dwelling for a disabled occupant” means a dwelling which—

(a) is a disabled occupant’s only or main residence when an application for a grant in respect of it is made, or

(b) is likely in the opinion of the Executive to become a disabled occupant’s only or main residence not later than the expiry of a reasonable period after the completion of the relevant works;

“farmhouse” has the same meaning as in section 16 of the Housing on Farms Act (Northern Ireland) 1972;

“grant” means a grant of a description specified in Article 41 (2);

“Health and Social Services Board” means such a Board established under the Health and Personal Social Services (Northern Ireland) Order 1972;

“improvement” includes alteration and enlargement and in relation to a dwelling for a disabled occupant, includes the carrying out of works required to make it suitable for his welfare, accommodation or employment, and any reference to works required for the provision or improvement of a dwelling (whether generally or in any particular respect) includes a reference to any works of repair or replacement needed (in the opinion of the Executive) for the purpose of enabling the dwelling to which the improvement relates to attain the relevant standard;

(a) S.I. 1972/1265 (N.I. 14).

“the relevant standard” means—

- (a) in relation to an improvement grant, the required standard referred to in Article 47;
- (b) in relation to an intermediate grant, the full standard or, as the case may require, the reduced standard referred to in Article 51; and
- (c) in relation to a repairs grant, the relevant standard of repair referred to in Article 54;

“the relevant works” has the meaning assigned to it by Article 42 (2) (b); and

“Rent Restriction Acts” means the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1967 and includes Part II of the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland) 1940;

“standard amenities” has the meaning assigned to it by Article 43.

(2) An order made under this Part shall be subject to affirmative resolution.

Assistance for works specified in application for grants under former enactments

62. For the purpose of allowing an application for an improvement grant, an intermediate grant or a repairs grant to be made notwithstanding that all or some of the works specified therein were specified in an application made before the operative date for an improvement grant or a standard grant under Part I of the Housing Act (Northern Ireland) 1971, or a grant under Part III of the Housing on Farms Act (Northern Ireland) 1972, the Executive or, as the case may be, the Department shall allow that application to be withdrawn, whether or not it has been approved, unless it is satisfied that the works specified in the application have been begun.

PART VII

POWERS OF THE EXECUTIVE TO DEAL WITH UNOCCUPIED PREMISES

Powers to take possession of unoccupied houses

63.—(1) Subject to the following provisions of this Article, where the Executive is satisfied—

- (a) that a house is unoccupied,
- (b) that the owner of the house is unable or unwilling to occupy or to let the house, and
- (c) that the house is suitable to be used for housing purposes or is reasonably capable of being rendered suitable to be so used,

the Executive may enter and take possession of the house (in this Part referred to as the “possessed house”), for the purposes of providing housing accommodation and may carry out such works of repair or improvement as it may consider necessary or desirable to render the house suitable for housing purposes.

(2) Immediately after exercising its powers under paragraph (1) the Executive shall serve upon the owner of the possessed house a notice stating—

- (a) that it has taken possession of the house,
- (b) the date upon which such possession was taken, and
- (c) the name and address of an officer of the Executive to whom any enquiries and representations concerning the action taken in exercise of the Executive’s functions under this Article may be made,

and, without prejudice to section 24 (2) of the Interpretation Act (Northern Ireland) 1954, the Executive shall affix a copy of the notice to the possessed house.

(3) The Executive, unless—

(a) it determines not to continue in possession of the house, or

(b) the owner agrees to dispose of the house to it,

shall, in exercise of its powers under section 14 of the Housing Act (Northern Ireland) 1945, apply to the Department within a period of one month from the date of service of a notice under paragraph (2) for an order vesting the house in the Executive.

(4) Where the Executive applies to the Department under paragraph (3), it shall include in the notice of application for a vesting order, required to be published under Schedule 2 to the Local Government Act (Northern Ireland) 1934 (a), the information specified in paragraph (2).

(5) Where the Department refuses to make a vesting order the Executive shall forthwith serve upon the owner a notice stating the date, being not less than 14 days from the date of service of the notice, upon which it will give up possession of the house.

(6) Where the Executive is satisfied that the owner, or a person with the agreement of the owner, intends within a reasonable period from the date of service of a notice under paragraph (2) to occupy the house or to commence works of repair or improvement upon it, the Executive shall withdraw forthwith any application for an order vesting the house in it and shall serve upon the owner a notice stating a date within that period upon which it will give up possession of the house.

Occupation of possessed houses

64.—(1) Subject to the following provisions of this Article, the Executive may allocate a possessed house to any person who appears to it to require housing accommodation.

(2) In acting under paragraph (1), the Executive—

(a) shall not allocate a possessed house to any person whom the Executive would be precluded by any statutory provision from accepting as a tenant of housing accommodation provided by it; and

(b) shall have regard to the provisions of a scheme approved by the Department under section 25 of the Housing Executive Act (Northern Ireland) 1971 (b).

(3) A person to whom a possessed house is allocated—

(a) shall occupy it on such terms, and subject to such conditions, as the Executive may determine; and

(b) shall pay to the Executive in respect of it such sums as the Executive may, with the approval of the Department, determine.

(4) Any sums due to the Executive in pursuance of this Article by a person to whom a house is allocated under this Article may, without prejudice to any other method of recovery, be recovered by the Executive summarily as a civil debt.

(a) 1934 c. 22 (N.I.).

(b) 1971 c. 5 (N.I.).

Compensation to be paid in respect of possessed houses

65.—(1) In every case where the Executive takes possession of a house under Article 63, it shall pay compensation in accordance with the following provisions of this Article.

(2) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

(3) The compensation payable in respect of taking possession of a house under Article 63 shall be a sum equal to the rent, excluding rates, which might reasonably be expected to have been paid by a tenant in occupation of the house during the period for which possession of the house was retained by the Executive under Article 63 disregarding the value of any improvements carried out by the Executive during that period.

(4) Subject to paragraph (5), where the Executive acquires a possessed house, whether by agreement or otherwise, the purchase price or, as the case may be, the amount of compensation, to be paid by the Executive in respect of that house shall be assessed by reference to the value of the house at the date upon which the Executive took possession under Article 63.

(5) Notwithstanding anything contained in paragraph (4), where the Executive acquires in pursuance of a vesting order a house—

(a) which is situated in a proposed re-development area, and

(b) which, at the date on which the Executive took possession of it under Article 63, was unfit for human habitation and was not capable at reasonable expense (as defined in section 6 (6) of the Housing (Ireland) Act 1919 (a)) of being rendered fit for human habitation,

then, for the purpose of section 6 of the Housing (Ireland) Act 1919, the house shall be treated as if it were comprised in a re-development scheme approved under Part I of the Housing Act (Northern Ireland) 1956.

(6) Where (for whatever reason) the Executive does not acquire a possessed house, the compensation payable under paragraph (3) shall include a sum equal to the cost of making good any damage to the house which may have occurred during the period specified in that paragraph (except in so far as the damage has been made good during that period by the Executive).

Powers to secure or demolish unoccupied premises

66.—(1) Where the Executive is satisfied that action is necessary to prevent damage to, or otherwise to protect, housing accommodation, it may serve upon the owner of any unoccupied premises (in this Article referred to as "the owner") a notice requiring him within such time, not being less than 7 days, as the Executive may prescribe—

(a) to execute such works to the unoccupied premises, including works to secure those premises, or

(b) to take such steps for demolishing the unoccupied premises, or any part thereof, and removing any rubbish or other material resulting from or exposed by the demolition,

as the Executive may consider necessary.

(2) Without prejudice to section 24 (2) of the Interpretation Act (Northern Ireland) 1954, the Executive shall affix to the premises a copy of the notice served under paragraph (1).

(a) 1919 c. 45.

(3) Where the Executive—

(a) is unable to establish the identity or whereabouts of the owner of unoccupied premises, and

(b) has affixed a notice to the premises requiring the owner to take steps in accordance with paragraph (1) (b),

the Executive shall publish a copy of the notice in one or more newspapers circulating in the locality.

(4) Where a notice under paragraph (1) requires the owner of unoccupied premises to demolish those premises, or any part thereof, the owner may, within the period specified in the notice, make representations to the Department, and the Department shall notify the Executive or, where paragraph (10) applies, the district council which is acting as the agent of the Executive, that the notice shall not have effect while the Department is considering those representations.

(5) The Department, after considering the representations which have been made to it, shall inform the owner—

(a) that the notice served under paragraph (1) shall have effect from a date specified by the Department, or

(b) that the notice shall not have effect,

and the Department shall inform the Executive of its decision accordingly.

(6) Where an owner so requests in writing, the Executive may carry out on his behalf the works specified in a notice under paragraph (1) and may charge upon the owner the costs thereof, and such costs may be recovered summarily as a civil debt.

(7) A notice under paragraph (1) served upon an owner of unoccupied premises shall not have effect where the owner undertakes in writing within the time prescribed in the notice to carry out within a period acceptable to the Executive such works as are necessary to render the unoccupied premises suitable for use and to prevent damage to, or otherwise to protect, housing accommodation.

(8) Where an owner of unoccupied premises—

(a) fails to act within the time prescribed in accordance with a notice under paragraph (1), or

(b) defaults upon an undertaking given under paragraph (7),

the Executive may carry out the works specified in the notice and such works shall be deemed to have been carried out in response to a request by the owner under paragraph (6).

(9) Where it appears to the Executive that there is an urgent necessity to do so, it may, with the consent of the Department, carry out upon unoccupied premises such works as might be specified in a notice under paragraph (1) without service of such a notice upon the owner but shall immediately inform the owner (if known) of the works which it has carried out upon the premises.

(10) The Executive may make and carry into effect an agreement with any district council whereby the district council may act as the agent of the Executive in the exercise of the functions conferred upon the Executive by this Article and the Executive shall send a copy of any such agreement to the Department.

Expenses of the Executive under this Part

67. The Department may, with the consent of the Department of Finance, make contributions to the expenses of the Executive in carrying out its functions under this Part.

Interpretation of Part VII

68. In this Part—

“house” includes—

(a) any building or part of a building which may be, or may be made suitable for residential purposes; and

(b) any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith;

“the owner” of a possessed house or of unoccupied premises means the person appearing to the Executive to be the owner thereof;

“possessed house” has the meaning given to it by Article 63 (1); and

“unoccupied”, in relation to a house or premises, means not occupied for rating purposes under the Rates (Northern Ireland) Order 1972 (a).

Duration of Part VII

69.—(1) This Part shall remain in force until the expiry of the period of five years beginning with the operative date and shall then expire unless continued in force by an order under this Article.

(2) Without prejudice to section 17 (5) of the Interpretation Act (Northern Ireland) 1954, the Department may by order, subject to affirmative resolution, provide—

(a) that all or any of the provisions of this Part which are for the time being in force (including any in force by virtue of an order under this Article) shall continue in force for a period not exceeding two years from the coming into operation of the order;

(b) that all or any of the said provisions which are for the time being in force shall cease to be in force; or

(c) that all or any of the said provisions which are not for the time being in force shall come into force again and remain in force for a period not exceeding two years from the coming into operation of the order.

PART VIII

MISCELLANEOUS

Functions of the Executive

70. Where any provision of the Housing Acts restricts the Executive or any other person in the exercise of any function under those Acts to the provision of housing accommodation for workers, that restriction shall cease to have effect.

Extension of powers of the Executive to let housing accommodation

71.—(1) After section 1 (1) of the Housing (Extension of Powers) Act (Northern Ireland) 1953 (b) there shall be inserted the following subsection—

“(1A) The Northern Ireland Housing Executive may, with the consent of the Department, let any dwelling provided under the Housing Acts (Northern Ireland) 1890 to 1976 to any local or other body of persons for any purpose beneficial to the residents of the area in which the dwelling to be let is situated.”.

(2) In subsection (2) of section 1 of the said Act of 1953, for the words “the preceding subsection” there shall be substituted the words “subsection (1) or (1A)”.

(a) S.I. 1972/1633 (N.I. 16).

(b) 1953 c. 26 (N.I.).

Disposal of land

72.—(1) In section 11 of the Housing (Ireland) Act 1919—

- (a) in subsection (1) (b) the words “and maintain” and “maintenance” shall be omitted,
- (b) in subsection (3) after the words “of this section shall” there shall be inserted the words “except with the consent of the Department of the Environment”, and
- (c) after subsection (3) there shall be inserted the following subsection—

“(4) The provisions of sections 128 to 132 of the Lands Clauses Consolidation Act 1845 (which relate to the sale of superfluous land) shall not apply with respect to the sale by the Northern Ireland Housing Executive under the powers conferred by this section, as applied to that body by section 3 (1) of the Housing Executive Act (Northern Ireland) 1971, of any land acquired by it for the purposes of Part III of the Housing of the Working Classes Act 1890.”.

(2) After section 14 (2) of the Housing Act (Northern Ireland) 1945 the following subsection shall be inserted—

“(2A) Land sold or leased under subsection (2) shall, except with the consent of the Department, be sold or leased at the best price or for the best rent that can reasonably be obtained, having regard to any condition imposed.”.

Rent rebates to tenants of the Executive

73.—(1) The Executive may, with the consent of the Department and the approval of the Department of Finance, bring into operation a scheme for granting to persons who occupy as their homes dwellings let to them by the Executive rebates from rent, calculated in accordance with the provisions of the scheme by reference to their needs and their resources.

(2) The Department may make such contributions as the Department of Finance may approve towards the expense incurred by the Executive in bringing into operation a scheme under paragraph (1).

(3) No rebate from the rent of a dwelling shall be granted by virtue of this Article to any person if he occupies the dwelling in pursuance of a contract of service with the Executive the terms of which require that he shall be provided with a dwelling at a rent specified in the contract or without payment of rent.

Department of Finance Guarantees

74. For the purposes of section 21 (2) of the Housing Executive Act (Northern Ireland) 1971 (which empowers the Department of Finance to guarantee sums borrowed by the Executive), any sums borrowed from any person by a former local authority, the Northern Ireland Housing Trust or a new town commission, the liability for which was transferred to the Executive by virtue of section 8 of that Act, shall be treated as sums borrowed by the Executive.

Compensation of certain employees of the Executive

75. For the purposes of compensating transferred employees, within the meaning of section 10 (9) of the Housing Executive Act (Northern Ireland) 1971, the provision of section 11 of that Act shall apply subject to the following amendments, and shall be deemed always to have so applied—

- (a) in subsection (1), for the words from “whose functions” to “1966” there shall be substituted the words “who is transferred under section 135

- (1), (2) or (9) of the Local Government Act (Northern Ireland) 1972";
and
- (b) in subsection (2), for the reference to section 3 of the Local Government Act (Northern Ireland) 1966 (a) there shall be substituted a reference to section 137 of the Local Government Act (Northern Ireland) 1972.

Functions of the Local Government Staff Commission

76. The functions of the Local Government Staff Commission for Northern Ireland shall extend to officers of the Executive and for that purpose Part III of, and Schedule 3 to, the Local Government Act (Northern Ireland) 1972 shall be amended in accordance with Part I of Schedule 4.

Amendment of the Land Acquisition and Compensation (Northern Ireland) Order 1973

77. The Land Acquisition and Compensation (Northern Ireland) Order 1973 (b) (provisions for benefit of persons displaced from land) shall be amended in accordance with Part II of Schedule 4.

Amendment of certain provisions of the Licensing Act (Northern Ireland) 1971 relating to re-development areas, etc.

78.—(1) In the Licensing Act (Northern Ireland) 1971 (c)—

- (a) in section 5 (3), at the beginning there shall be inserted the words "Without prejudice to paragraph 6 of Schedule 3,";
- (b) in section 84 (1), in the definition of "housing authority" the following paragraph shall be substituted for paragraph (b)—
- “(b) the Department of the Environment;”;
- (c) in paragraph 4 (c) of Schedule 1, there shall be inserted after the words "section 5 (3)" the words "or paragraph 6 of Schedule 3"; and
- (d) in paragraph 1 of Schedule 3—
- (i) after the definition of "preferred applicant" there shall be inserted the following definition—

“proposed re-development area” means an area in respect of which a resolution has been passed by the Northern Ireland Housing Executive under section 8 of the Housing Act (Northern Ireland) 1956;’, and

- (ii) for the definition of "re-development area" there shall be substituted the following definition—

“re-development area” means an area in respect of which a re-development scheme has been approved by the Department under section 10 of the Housing Act (Northern Ireland) 1956.’

(2) The following provisions of the Licensing Act (Northern Ireland) 1971 (which relate to licensed premises in re-development areas and proposed re-development areas) are hereby repealed, namely—

- (a) sections 39 (2) and 40 (3),
- (b) paragraph 1 (b) of Schedule 2, and
- (c) in Schedule 3, in paragraph 6 the words "Without prejudice to paragraph 14", and Part III.

(a) 1966 c. 38 (N.I.). (b) S.I. 1973/1896 (N.I. 21). (c) 1971 c. 13 (N.I.).

Effect of improvement or intermediate grants in relation to rents of rent-controlled houses

79. Section 55 of the Housing Act (Northern Ireland) 1956 (rent increases of rent-restricted houses where improvement grants are paid) shall apply where improvement grants or intermediate grants are paid under Part VI as it applies where improvement grants are paid under Part II of that Act, and references therein to improvement grants shall be construed accordingly.

Amendments, savings and repeals

80.—(1) The statutory provisions specified in Part III of Schedule 4 shall have effect subject to the amendments set out in that Schedule.

(2) The savings and transitional provisions contained in Schedule 5 shall have effect.

(3) The statutory provisions set out in Part I of Schedule 6, the effect of which is to require the Executive to obtain the approval or consent of the Department to the acquisition or disposal of any land, are hereby repealed to the extent specified in the third column thereof.

(4) Subject to the savings and transitional provisions contained in Schedule 5, the statutory provisions set out in Part II of Schedule 6 are hereby repealed to the extent specified in the third column thereof.

N. E. Leigh

SCHEDULES

Article 11.

SCHEDULE 1

GRANT-AIDED LAND

1. For the purposes of Article 11 “grant-aided land” means land—
 - (a) in respect of which such payment as is specified in paragraph 2 falls to be made in respect of a period ending after the operative date; or
 - (b) on which is or has been secured a loan which is of a description specified in paragraph 3 and in respect of which any repayment (whether by way of principal or interest or both) falls to be made after that date.
2. The payments referred to in paragraph 1 (a) are contributions which became payable before the operative date—
 - (a) by way of exchequer contributions under section 1 of the Housing Act (Northern Ireland) 1945 as applied to housing associations by virtue of section 12 of the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946; and
 - (b) by way of exchequer contributions under section 15 of the Housing Act (Northern Ireland) 1963 (contributions for hostels).
3. The loans referred to in paragraph 1 (b) are—
 - (a) loans under section 14 of the Housing (Ireland) Act 1919, as applied to the Executive by virtue of section 3 (1) of the Housing Executive Act (Northern Ireland) 1971 (powers of promoting and assisting public utility societies); and
 - (b) loans under section 44 of the Housing Act (Northern Ireland) 1956 (power to make loans to certain associations).

Article 12 (3).

SCHEDULE 2

MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

1. References to the Department or to the council shall be construed as references to the Department within the meaning of this Order.

2. References to Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall be construed as references to that Schedule as modified by this Schedule.
3. Omit paragraph 1 of that Schedule.
4. In paragraph 2 of that Schedule—
 - (a) omit the words “in such form and manner as the Department directs”;
 - (b) in sub-paragraph (c) for the words “as may be prescribed” substitute the words “as the Department considers fit”.
5. In paragraph 4 omit the words from “and may provide” onwards.
6. In paragraph 5—
 - (a) in sub-paragraph (1) (a) omit the words “in the prescribed form and manner”;
 - (b) in sub-paragraph (1) (b) the two references to the said Act of 1972 shall be construed as references to this Order;
 - (c) in sub-paragraph (1) (d) omit the words “in the prescribed form”;
 - (d) in sub-paragraph (2) for the words “as may be prescribed” substitute the words “as the Department considers fit”.
7. In paragraph 6 (2) for the words “fund out of which the expenses of the council in acquiring the land are to be defrayed” substitute the words “Consolidated Fund” and for the words “out of the Compensation Fund” there shall be substituted the words “made by the Department”.
8. In paragraph 11 (3) omit the words “in the prescribed form”.
9. In paragraph 12—
 - (a) in sub-paragraph (1) omit the words “such” and “as may be prescribed”;
 - (b) in sub-paragraph (2) for the words from “clerk” to “directs” substitute the words “Department as correct, and publish”.
10. In paragraph 14 (1) omit the words “in the prescribed form”.
11. In paragraph 15 (1) for the words “in the prescribed form” substitute the words “in such form as may be approved by the Department”.
12. Omit paragraph 19.
13. Omit paragraph 20 (2).

SCHEDULE 3

Articles 43 and 53.

STANDARD AMENITIES

PART I

LIST OF AMENITIES AND MAXIMUM ELIGIBLE AMOUNTS

| <i>Description of Amenity</i> | <i>Maximum eligible amount</i> |
|---|--------------------------------|
| | £ |
| A fixed bath or shower | 100 |
| A hot and cold water supply at a fixed bath or shower | 140 |
| A wash-hand basin | 50 |
| A hot and cold water supply at a wash-hand basin | 70 |
| A sink | 100 |
| A hot and cold water supply at a sink | 90 |
| A water closet | 150 |

PART II

PROVISIONS APPLICABLE TO CERTAIN AMENITIES

1. Except as provided in paragraph 2, a fixed bath or shower must be in a bathroom.

2. If it is not reasonably practicable for the fixed bath or shower to be in a bathroom but it is reasonably practicable for it to be provided with a hot and cold water supply it need not be in a bathroom but may be in any part of the dwelling which is not a bedroom.

3. The water closet must, if reasonably practicable, be in, and accessible from within, the dwelling or, where the dwelling is part of a larger building in such a position in that building as to be readily accessible from the dwelling.

Articles 76, 77 and 80 (1).

SCHEDULE 4

AMENDMENT OF CERTAIN STATUTORY PROVISIONS

PART I

AMENDMENT OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

1. In section 40—

(a) in subsection (1) there shall be inserted—

(i) after the words “of councils” the words “and of the Northern Ireland Housing Executive (in this Act referred to as “the Executive”); and

(ii) after the words “to councils” the words “and to the Executive”;

(b) in subsection (3) (b), at the end of sub-paragraph (i), after the word “and” there shall be inserted the words “the Executive and such associations representative of the staff of the Executive as appear to the Department to be concerned, and”;

(c) in subsection (4) there shall be inserted—

(i) after paragraph (a) the following paragraph—

‘(aa) establishing, in such manner as the Staff Commission thinks fit, bodies (to be known as “advisory appointment panels”) for the purpose of giving advice to the Executive on the suitability of applicants for appointment to such offices under the Executive as the Department may determine (including the making of a selection of persons who may be treated as eligible for such appointments);’

(ii) in paragraph (b) after the words “to councils” the words “and to the Executive”;

(iii) in paragraph (c) after the words “of councils” the words “and of the Executive”;

(iv) in paragraph (d) after the words “between councils”, where they first occur the words “the Executive”, where they secondly occur the words “between councils and the Executive”, and where they thirdly occur the words “or the Executive”, and

(v) in paragraph (f) after the words “between councils” the words, “the Executive”, after the words “of councils”, where they twice occur, the words “or of the Executive”, in place of the word “either” the word “any”, and after the words “by councils” the words “and the Executive”;

(d) in subsection (5) there shall be inserted—

(i) after the words “to a council” the words “or, as the case may be to the Executive”;

(ii) after the words “the council”, in each place where they occur, the words “or the Executive”, and

(iii) after the words “to the council” the words “or to the Executive”; and

(e) in subsection (6) there shall be inserted after the words “a council” the words “and the Executive”.

2. After section 41 there shall be inserted the following section—

“Appoint-
ment of
Officers
by the
Executive.

41A.—(1) A person shall not be appointed to such offices under the Executive as the Department may determine except in accordance with the advice of an advisory appointment panel established by the Staff Commission, but this subsection shall not apply to a temporary appointment made with the approval of the Department.

(2) Where the Executive refuses or fails to make an appointment—

(a) from among persons selected by an advisory appointment panel as eligible for the appointment; or

(b) in accordance with directions given by the Department for implementing any recommendation made to the Executive by the Staff Commission;

the Department, after consulting the Executive and considering any representations made by it, may make the appointment on behalf of the Executive and may, for that purpose, annul any other appointment that has been made by the Executive.

(3) The Executive shall not, without the approval of the Department, remove from office or suspend, or withhold the remuneration of, any officer appointed by the Department under subsection (2).”

3. In section 44—

(a) in subsection (1) there shall be inserted after the word “council” the words “or by the Executive”; and

(b) in subsection (2) there shall be inserted after the word “council”—

(i) where it first occurs, the words “or the Executive, as the case may be,”

(ii) where it secondly occurs, the words “or the Executive”, and

(iii) where it thirdly occurs, the words “or of the Executive”.

4. In Schedule 3—

(a) in paragraph 5 there shall be inserted after the words “concerning councils” the words “, expenditure arising from matters directly concerning the Executive”;

(b) after paragraph 7 there shall be inserted the following paragraph—

“7A. The amount apportioned under paragraph 5 as arising from matters directly concerning the Executive shall be paid to the Staff Commission by the Executive at such time and in such manner as the Staff Commission directs.”; and

(c) in paragraph 8 there shall be inserted—

(i) after the word “council”, where it first occurs, the words “or, as the case may be, by the Executive”,

(ii) after the words “paragraph 7” the words “or paragraph 7A”, and

(iii) after the word “council”, where it secondly occurs, the words “or the Executive”.

PART II

AMENDMENT OF THE LAND ACQUISITION AND COMPENSATION (NORTHERN IRELAND) ORDER 1973

1. In Article 2 (2) the following definitions shall be inserted at the appropriate places in alphabetical order—

“housing association” has the meaning assigned to it by Article 3 of the Housing (Northern Ireland) Order 1976;

“registered”, in relation to a housing association, means registered in the register of housing associations established under Article 13 of the Housing (Northern Ireland) Order 1976;”.

2.—(1) In Article 30 (right to home loss payment where person displaced from dwelling) paragraph (1) shall be amended as follows—

(a) in sub-paragraph (c) after the words “the carrying out of” there shall be inserted the words “any improvement to the dwelling or of” and at the end of that sub-paragraph there shall be inserted the following sub-paragraph—

“(d) the carrying out of any improvement to the dwelling or of redevelopment on the land by a housing association which has previously acquired the land and which at the date of the displacement is registered,”; and

(b) for the words from “the acquiring authority” to the end of the paragraph there shall be substituted the following sub-paragraphs—

“(i) where sub-paragraph (a) applies, the acquiring authority;

(ii) where sub-paragraph (b) applies, the authority who made the order or accepted the undertaking;

(iii) where sub-paragraph (c) applies, the authority carrying out the improvement or redevelopment; and

(iv) where sub-paragraph (d) applies, the housing association carrying out the improvement or re-development”.

(2) At the end of paragraph (2) there shall be added (but not as part of sub-paragraph (b)) the words “and in a case within paragraph (1) (d), unless the displacement occurred on or after the date of the coming into operation of the Housing (Northern Ireland) Order 1976.”.

(3) After paragraph (3) there shall be inserted the following paragraph—

“(3A) For the purposes of this Article a person shall not be treated as displaced from a dwelling in consequence of the acceptance of an undertaking or of the carrying out of any improvement to the dwelling unless he is permanently displaced from it in consequence of the carrying out of the works specified in the undertaking or, as the case may be, of the improvement in question.”

(4) At the end of paragraph (9) there shall be added the following words—

“‘improvement’ includes alteration and enlargement.”.

3.—(1) In Article 37 (disturbance payments for persons without compensatable interests) paragraph (1) shall be amended—

(a) by inserting, in sub-paragraph (c), after the words “the carrying out of” the words “any improvement to a house or building on the land or of”;

(b) by adding, at the end of sub-paragraph (c), the following sub-paragraph—

“(d) the carrying out of any improvement to a house or building on the land or of redevelopment on the land by a housing association which has previously acquired the land and at the date of the displacement is registered,”; and

(c) by making the like amendments as are specified, in relation to Article 30 (1), in paragraph 2 (1) (b).

(2) At the end of paragraph (2) (c) there shall be added the following sub-paragraph—

“(d) in a case within paragraph (1) (d), unless the displacement occurred on or after the date of the coming into operation of the Housing (Northern Ireland) Order 1976.”.

(3) In paragraph (3) for the words “or redevelopment as is mentioned in sub-paragraph (a) or (c)” there shall be substituted the words “redevelopment or improvement as is mentioned in sub-paragraph (a), (c) or (d)”.

(4) After paragraph (3) there shall be inserted the following paragraph—

“(3A) For the purposes of paragraph (1) a person shall not be treated as displaced in consequence of the acceptance of an undertaking or of the carrying

out of any improvement to a house or building unless he is permanently displaced in consequence of the carrying out of the works specified in the undertaking or, as the case may be, of the improvement in question.”.

(5) In paragraph (9) after the word “undertaking” there shall be inserted the word “improvement”.

4. For Article 39 there shall be substituted the following Article—

“Payments for certain Housing Executive tenants

39.—(1) Where the tenant of a dwelling provided by the Housing Executive moves to another such dwelling, the Housing Executive—

(a) may pay—

(i) the reasonable expenses of the tenant in removing, or

(ii) where the Executive considers it appropriate, such sum as the Executive may, with the approval of the Department of the Environment, determine;

(b) where the tenant is purchasing the dwelling to which he is removing, may pay any other reasonable expenses incurred by the tenant in connection with the purchase, other than the purchase price.

(2) The Department of the Environment may, subject to such conditions as it may determine, make such contributions towards the expenses of the Executive under paragraph (1) (a) as the Department of Finance may approve.”.

5.—(1) In Article 40, in paragraph (1) (c) after the words “the carrying out of” there shall be inserted the words “any improvement to a house or building on the land or of”.

(2) In paragraph (4) after the words “such acquisition” there shall be inserted the word “, improvement” and at the end of that paragraph there shall be added the following paragraph—

“(4A) For the purposes of paragraph (1) a person shall not be treated as displaced in consequence of the acceptance of an undertaking or of the carrying out of any improvement to a house or building unless he is permanently displaced from the residential accommodation in question in consequence of the carrying out of the works specified in the undertaking or, as the case may be, the carrying out of the improvement.”.

(3) In paragraph (5) for the words ‘and “redevelopment”’ there shall be substituted the words ‘“improvement” and “redevelopment”’.

6.—(1) In Article 44 (power to defray expenses in connection with acquisition of new dwellings) in paragraph (1)—

(a) for the words “such acquisition as is mentioned in Article 40 (1) (a)” there shall be substituted the words “any of the events specified in sub-paragraphs (a) to (c) of Article 40 (1)”;

(b) for the words “the acquiring authority” there shall be substituted the words “then, according to the nature of the event in consequence of which he was displaced, the acquiring authority, the authority who made the order, or accepted the undertaking or the authority carrying out the improvement or redevelopment”.

(2) In paragraph (4) for the words “paragraph (4)” there shall be substituted the words “Paragraphs (4) and (4A)” and for the words “paragraph (1) (a)” there shall be substituted the words “any provision of paragraph (1)”.

PART III

MINOR AND CONSEQUENTIAL AMENDMENTS

The Housing (Ireland) Act 1919 (c. 45)

In section 6 (1), for the words “general improvement area under the Housing

Act (Northern Ireland) 1971" substitute the words "housing action area under the Housing (Northern Ireland) Order 1976".

The Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946 (c. 4)

In section 2 (a), for the word "worker" or "workers" (wherever it occurs) substitute the word "person" or "persons".

The Housing (No. 2) Act (Northern Ireland) 1946 (c. 20)

In section 1 (2), for the word "workers" substitute the word "persons".

In section 3, for the words "houses for persons" to the end substitute the words "housing accommodation".

The Housing Act (Northern Ireland) 1956 (c. 10)

In section 26 (1), for paragraph (j) substitute the following paragraph—

"(j) a resolution declaring an area to be a housing action area;"

In section 59 (1) (c), for the words "subsection (2) of section twelve of the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946" substitute the words "Article 3 of the Housing (Northern Ireland) Order 1976".

The Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971 (c. 7)

In section 19 (3), for paragraph (c) substitute the following paragraph—

"(c) the Northern Ireland Housing Executive established under section 1 of the Housing Executive Act (Northern Ireland) 1971."

The Planning and Land Compensation Act (Northern Ireland) 1971 (c. 23)

After section 1 (1) (l), there shall be inserted the following paragraph—

"(m) is land in a housing action area, being land in respect of which the Northern Ireland Housing Executive has published information indicating that the Executive intends to acquire it".

Article 80 (2).

SCHEDULE 5

SAVINGS AND TRANSITIONAL PROVISIONS

1. The repeal by this Order of any enactment relating to any grant or contribution shall not affect any power or duty to act on any application or arrangements made or proposals approved before the operative date, any power to reduce the rate at which any such grant or contribution is to be paid, any obligation to observe any condition failing to be observed in pursuance of such an enactment, any obligation to make a payment in consequence of a breach of such a condition, any power to vary the rate of interest on such a payment or the imposition of such a condition by such an enactment where a standard grant or improvement grant or reconditioning grant is paid by virtue of this paragraph.

2. In paragraph 1 "reconditioning grant" means a grant under section 7 of the Housing on Farms Act (Northern Ireland) 1972.

SCHEDULE 6

Articles 80 (3) and (4)

REPEALS

PART I

PROVISIONS RELATING TO ACQUISITION AND DISPOSAL OF LAND

| Chapter | Short Title | Extent of Repeal |
|----------------------|--|--|
| 53 & 54 Vict. c. 70. | The Housing of the Working Classes Act 1890. | In section 57 (3), the words "with the consent of the Local Government Board". In section 60, the words "with the consent of the Local Government Board" and "with the like consent". |
| 9 & 10 Geo. 5 c. 45. | The Housing (Ireland) Act 1919. | In section 8 (3), the words "subject to the consent of the Local Government Board and to such conditions as the Board may prescribe". In section 11 (1), in paragraphs (b), (c) and (d) the words "with the consent of the Local Government Board". |
| 1945 c. 2. | The Housing Act (Northern Ireland) 1945. | In section 14 (2), the words "with the approval of the Ministry". |
| 1971 c. 5. | The Housing Executive Act (Northern Ireland) 1971. | Section 3 (3). In section 12, in subsections (1) and (2) the words "with the consent of the Ministry", and subsection (4). |

PART II

MISCELLANEOUS

| Chapter | Short Title | Extent of Repeal |
|----------------------|--|---|
| 53 & 54 Vict. c. 70. | The Housing of the Working Classes Act 1890. | In section 53 (1), the words "for the working classes" (twice). In section 57 (2), the words "for the working classes". In section 58, the words "for the working classes". In section 59, the words "for the working classes" (twice). In section 68, the words "of the working classes" (twice). In section 74— in subsection (1), the words "for the working classes" and "available for the working |

| Chapter | Short Title | Extent of Repeal |
|--------------------------|---|--|
| 53 & 54 Vict. c. 70. | The Housing of the Classes Act 1890— <i>cont.</i> | classes”, and in subsection (2), the words “for the working classes”. Section 75. |
| 9 & 10 Geo. 5 c. 45. | The Housing (Ireland) Act, 1919. | In section 1 (1), the words “for the working classes”. In section 8— in subsection (1), the words “for the working classes” classes” (three times); in subsection (2), in paragraph (i), the words “for the working classes” and in paragraph (ii), the words from “belonging” onwards; and in subsection (3), the words “suitable for the working classes”. In section 11 (1)— in paragraph (b), the words “and maintain”, “maintenance” and from “belonging” onwards; and in paragraph (d), the words from “either” to “or otherwise”. Section 14. In section 18 (1), the words “or as houses for the working classes”. In section 25 (1), the words “for the working classes”. In section 26— in paragraph (a), the words “for the working classes, and in paragraph (b), the words “available for the working classes”. In section 33, the definitions of “houses for the working classes”, “public utility society” and “housing trust”. |
| 11 & 12 Geo. 5 c. 19. | The Housing Act 1921. | Section 3. In section 10— in subsection (1), the words “the Minister of Health or”; and subsection (2). |
| 14 & 15 Geo. 5 c. 28. | The Housing Acts (Amendment) Act (Northern Ireland) 1924. | The whole Act, so far as unrepealed. |
| 17 & 18 Geo. 5 c. 15. | The Housing Act (Northern Ireland) 1927. | The whole Act, so far as unrepealed. |

| Chapter | Short Title | Extent of Repeal |
|-------------|--|---|
| 1945 c. 2. | The Housing Act (Northern Ireland) 1945 | In section 5 (1) (c), the words "for the accommodation of workers". In section 13 (1), the words "for workers". Section 26. In section 30 (1), the definition of "workers". In Schedule 1, in paragraph 1, the words "for the accommodation of workers in urban and rural districts" and in paragraphs 8 and 10, the words "for workers". |
| 1946 c. 4. | The Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946. | In section 2 (g), the words "of a worker". Section 12. |
| 1946 c. 20. | The Housing (No. 2) Act (Northern Ireland) 1946. | In section 1 (3), the words "for workers". In section 13, the words "of workers". |
| 1956 c. 10. | The Housing Act (Northern Ireland) 1956. | In sections 26 (1) and 27 (1), the words from "whether" to "Acts". Sections 30, 34 and 44. |
| 1958 c. 3. | The Housing Associations Act (Northern Ireland) 1958. | The whole Act. |
| 1961 c. 12. | The Housing Act (Northern Ireland) 1961. | In section 17, the words "of workers" (twice). In sections 18 (1) and 19 (1), the words from "whether" to "Acts". Sections 20 and 21. |
| 1963 c. 26. | The Housing Act (Northern Ireland) 1963. | Section 15. |
| 1967 c. 34. | The Housing Act (Northern Ireland) 1967. | Sections 22 and 27. |
| 1971 c. 13. | The Licensing Act (Northern Ireland) 1971. | Sections 39 (2) and 40 (3). In Schedule 2, paragraph 1 (b). In Schedule 3, in paragraph 6, the words "Without prejudice to paragraph 14" and Part III. |

| Chapter | Short Title | Extent of Repeal |
|-------------|---|---|
| 1971 c. 16. | The Housing Act (Northern Ireland) 1971. | <p>In Part I, sections 1 to 6, 8 to 13, 18, 20, 21 and 22 except the definition of "improvement".</p> <p>Part II.</p> <p>In Part V, section 40.</p> <p>In Part III of Schedule 1— paragraph 3 (a); in paragraph 5 (1), the words from "in the case of", where they first occur, to "contribution"; in paragraphs 5 (2), 6, 7 and 8, the words "local authority or" and "grant or" in each place where they occur; in paragraphs 6 (1) and 7 (1), the words "the local authority have, or"; in paragraph 8, the words "they or"; and in paragraph 9, the words "the local authority are or".</p> |
| 1971 c. 23. | The Planning and Land Compensation Act (Northern Ireland) 1971. | In section 1 (1), paragraph (h). |
| 1972 c. 3. | The Housing on Farms Act (Northern Ireland) 1972. | <p>Part III.</p> <p>In section 11 (1), in paragraph (a) the words "or reconditioning" and paragraph (c).</p> <p>Section 14 (2).</p> <p>In section 16, the definition of "reconditioning".</p> |

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the law on housing in Northern Ireland in relation to the role of the voluntary housing movement, areas of housing stress, grants for house renovation, and unoccupied premises.

Part II sets out the new functions of the Department of the Environment in relation to housing associations and consolidates with amendments earlier legislation on housing associations. Part III deals with the registration of housing associations by the Department and under Part IV the Department may pay grants to registered housing associations for approved new projects and in respect of existing schemes.

Part V deals with the declaration of housing action areas by reference to the physical state of housing accommodation and social conditions.

Part VI provides for a revised system of grants to be paid by the Northern Ireland Housing Executive towards the provision by conversion, improvement and repair of privately-owned housing accommodation.

Part VII empowers the Executive to take possession of unoccupied dwellings in advance of acquiring them compulsorily. This Part also enables the Executive to require owners of unoccupied premises to secure or demolish them where this is necessary to protect housing accommodation.

Part VIII contains miscellaneous and general provisions.

STATUTORY INSTRUMENTS

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