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## STATUTORY INSTRUMENTS

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# 1981 No. 156

## Housing (Northern Ireland) Order 1981

### PART II

#### THE NORTHERN IRELAND HOUSING EXECUTIVE

#### CHAPTER II

#### GENERAL FUNCTIONS OF THE EXECUTIVE

##### **General functions of the Executive**

6.—(1) The Executive shall—

- (a) regularly examine housing conditions and need;
- (b) submit to the Department for approval its programme for such years and in such form as the Department may determine for meeting housing need;
- (c) consider any proposals of a district council with respect to the exercise of any of the functions of the Executive in the district of the council.

(2) The Department may approve any programme submitted to it under paragraph (1) with or without modifications.

(3) For the purposes of paragraph (1), the Executive may carry out such inspections and surveys as it considers necessary.

(4) The Executive shall establish such housing information and advisory services as it considers desirable.

(5) The Executive may, with the consent of the Department, conduct or promote research into any matter relating to any of its functions.

(Paras)

##### **Consultation by the Executive**

7.—(1) The Executive—

- (a) shall not less than once in each year consult the Council with respect to any draft programme of the Executive for meeting housing need; and
- (b) shall so consult each district council with respect to any draft programme of the Executive for meeting housing need in the council's district.

(2) The Executive shall, when required to do so by the Department, consult district councils with respect to such matters as the Department may determine.

(Para)

## Delegation of functions by the Executive

**8.**—(1) The Department may by order, subject to affirmative resolution, make such provision as it considers fit with respect to the delegation to a district council of any function of the Executive specified in the order.

(2) Where any function is delegated by an order made under paragraph (1), the council shall, in the exercise of that function, act as agent for the Executive and in accordance with such conditions as may be specified in the order.

## [<sup>F1</sup>Housing management scheme

**8A.**—(1) The Executive may submit to the Department a scheme making provision for the Executive to delegate to other persons such of the Executive's management functions as may be specified in the scheme.

(2) A scheme submitted under paragraph (1) may contain such provision as the Executive considers appropriate.

(3) Without prejudice to the generality of paragraph (2), a scheme submitted under paragraph (1) shall, in particular—

(a) specify—

- (i) the category and range of management functions to be delegated by the Executive,
- (ii) the form of management agreements by means of which management functions are to be delegated, and
- (iii) the procedure for consulting tenants of houses to which a management agreement would apply; and

(b) provide—

- (i) that a management agreement is not to be implemented unless it is approved by a majority of the tenants consulted in relation to it in pursuance of sub-paragraph (a) (iii);
- (ii) that the Department's approval (which may be given either unconditionally or subject to conditions) is required both for the terms of a management agreement and the identity of a manager.

(4) The Department may approve a scheme submitted under paragraph (1) with or without modifications.

(5) The Executive shall comply with a scheme approved by the Department under paragraph (4).

(6) The Executive may at any time, and if so directed by the Department shall, submit proposals for amending a scheme approved under paragraph (4) or a scheme replacing any such scheme; and paragraphs (2) to (4) shall have effect in relation to those proposals or a scheme replacing an existing scheme as they have effect in relation to a scheme.

(7) In this Article “management agreement” and “manager”, in relation to such an agreement, mean an agreement under this Article and the person with whom the agreement is made.

(8) References in this Article to the management functions of the Executive in relation to houses or land include—

- (a) functions conferred by any statutory provision, and
- (b) the powers and duties of the Executive as holder of an estate in the houses or land in question.]

## **[<sup>F2</sup>Advances by the Executive**

- 9.—(1) Subject to such conditions as the Department may specify, the Executive may—
- (a) advance money by way of loan to an person for any of the purposes mentioned in paragraph (2);
  - (b) on the disposal of any house, allow any sum to be left outstanding on the security of the house; or
  - (c) take a transfer of a mortgage in pursuance of Article 156.
- (2) The purposes referred to in paragraph (1) are—
- (a) acquiring or constructing a house;
  - (b) converting a building into a house or acquiring buildings for that purpose;
  - (c) altering, enlarging, repairing or improving a house;
  - (d) facilitating the repayment of an amount outstanding on a previous loan made for any of the purposes specified in sub#paragraphs (a) to (c).]

[<sup>F3</sup>(3) So long as any part of the principal of, or any interest on, a loan under paragraph (1)(a) remains outstanding, the loan is to be a charge on the house or building or buildings in question.

(4) Where paragraph (3) applies—

    - (a) the charge shall be enforceable in all respects as if it were a valid mortgage by deed created in favour of the Executive by the person on whose estate the charge has been created (with, where necessary, any authorisation or consent required by law); and
    - (b) the Executive may exercise the powers conferred by sections 19, 21 and 22 of the Conveyancing Act 1881 on mortgagees by deed accordingly.]

**F2** 1983 NI 15

**F3** Art. 9(3)(4) inserted (9.7.2016) by [Housing \(Amendment\) Act \(NorthernIreland\) 2016 \(c. 17\)](#), ss. 3(1), 4

## **Directions to the Executive**

10.—(1) The Department may give directions of a general or specific nature to the Executive as to the manner in which it is to discharge its functions, and the Executive shall act in accordance with those directions.

(2) Any directions given to the Executive by the Department may be varied or revoked by subsequent directions so given.

## **Disclosure of information to the Department**

11.—(1) The Executive shall provide the Department with such information relating to its proceedings as the Department may require.

(2) For that purpose, the Executive shall permit any person authorised by the Department in that behalf to inspect and make copies of its accounts, books, documents and papers and shall afford such explanation thereof as that person or the Department may reasonably require.

## **Annual report**

12.—(1) The Executive shall as soon as may be after the 31st March in each year make to the Department a report of its activities in the preceding financial year.

**Changes to legislation:** *Housing (Northern Ireland) Order 1981, CHAPTER II is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) The Department shall lay before the Northern Ireland Assembly a copy of every report made under this Article.

### **Power to enter on lands**

**13.—**(1) A person authorised in writing by the Executive may, at all reasonable times, on giving—

- (a) in the case of entry under this Article for the sole purpose of examination, at least 24 hours' notice of his intention to the occupier or owner; and
- (b) in the case of entry under this Article for any other purpose, at least 6 days' notice in writing of his intention to the occupier and to the owner, if the owner is known,

or, in either case, such lesser period of notice as may be agreed between the person so authorised and the occupier or the owner, and, in any case, on production (if so required) of his authority, enter for the purpose of survey, valuation or examination—

- (i) any land which the Executive proposes to acquire compulsorily;
- (ii) any land, where it appears to the Executive that survey, valuation or examination is necessary in order to determine whether any powers under this Order should be exercised in respect of that land;

and any power conferred by this Article to survey land shall be construed as including power to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil or the presence of minerals therein, or both, and to take and carry away, for the purpose of examination, specimens of the subsoil or minerals, or both, found therein.

(2) Where any property is damaged in the exercise of a right of entry conferred by this Article, or in the making of any survey or examination or the doing of anything for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered from the Executive by any person interested in the property.

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

(4) Any reference in this Article to an occupier or to an owner shall be construed as including a reference to a person appointed in writing by such occupier or owner as his representative for purposes which include all or any of the purposes of this Article.

### **Information as to ownership of land**

**14.—**(1) The Executive may, for the purpose of enabling it to serve any notice (including any copy of any notice) which it is by this Order authorised or required to serve, require the occupier of any land, and any person who, either directly or indirectly, receives rent in respect of any land, to state in writing the nature of his own estate therein and the name and address of any other person known to him as having an estate therein.

(2) Any person who, having been required by the Executive in pursuance of this Article to give to it any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>F4</sup> £1,000].

**F4** 1983 NI 15

**Changes to legislation:**

Housing (Northern Ireland) Order 1981, CHAPTER II is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art.155 revoked by [1997 c. 32 s.46\(2\)Sch.9](#)
- art.155 revoked by [1997 c. 32 s.46\(2\)Sch.9](#)