
STATUTORY INSTRUMENTS

1981 No. 156

Housing (Northern Ireland) Order 1981

PART II

THE NORTHERN IRELAND HOUSING EXECUTIVE

CHAPTER III

FINANCE

Advances by the Department to the Executive

15.—^[F1](1) The Department of Finance and Personnel may make advances to the Executive of such amounts and on such terms as that Department thinks fit.

(2) Subject to paragraph (3), there shall be issued out of the Consolidated Fund such sums as are necessary to enable the Department of Finance and Personnel to make advances under paragraph (1), and for the purpose of providing such issues the Department of Finance and Personnel may borrow money.]

(3) The amount by which the aggregate of the sums issued under—

- (a) paragraph (2);
- (b) Article 3(2) of the Housing Finance (Northern Ireland) Order 1977 ;
- (c) section 20(2) of the Housing Executive Act (Northern Ireland) 1971 ; and
- (d) section 17(2) of the Housing Act (Northern Ireland) 1945 ;

exceeds the total amounts of principal repaid to the Consolidated Fund in respect of advances made under paragraph (1), Article 3(1) of the said Order of 1977, section 20(1) of the said Act of 1971 and section 17(1) of the said Act of 1945 shall not at any time exceed^[F2] £1,800] million.

^[F1](4) In paragraph (3)—

- (a) the reference to sums issued under paragraph (2) includes sums issued under that paragraph as it had effect before the day of the coming into operation of Article 25 of the Housing (Northern Ireland) Order 1988, and
- (b) the reference to advances made under paragraph (1) includes advances made under that paragraph as it had effect before that day.]

F1 1988 NI 23

F2 1993 NI 5

Borrowing by the Executive

16.—(1) The Executive may, with^[F3] the consent of the Department and with] the approval of the Department of Finance, borrow money.

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(2) Without prejudice to section 19(1)(a)(ii) of the Interpretation Act (Northern Ireland) 1954, a person lending money to the Executive shall not be bound to inquire whether the borrowing of the money is or was legal or regular or whether the money was properly applied.

(3) The Department of Finance 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 the Executive borrows from any person.

(4) For the purposes of paragraph (3), any sums borrowed from any person by a former local authority (within the meaning of Part IX of the Local Government Act (Northern Ireland) 1972), 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 the Housing Executive Act (Northern Ireland) 1971, shall be treated as sums borrowed by the Executive.

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

F3 1988 NI 23

Rent scheme

17.—(1) The Executive shall submit to the Department a scheme for determining the rent to be charged by the Executive for any housing accommodation provided by it.

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

(3) The Executive shall comply with a scheme approved by the Department under paragraph (2).

(4) The Executive may at any time, and if the Department so directs shall, submit to the Department proposals amending a scheme approved under paragraph (2) or a scheme replacing any such scheme and paragraphs (2) and (3) shall have effect in relation to those proposals or a scheme replacing an existing scheme as they have effect in relation to a scheme.

Art. 18 rep. by 1983 NI 14

Estimates of the Executive's income and expenditure

19.—(1) In each financial year the Executive shall submit to the Department, in such form as the Department may direct, estimates of the income and expenditure of the Executive during the next-following financial year and shall submit such other information relating to those estimates as the Department may require.

(2) Without prejudice to any other statutory provision requiring the Executive to obtain the Department's approval or consent, the Department may approve estimates submitted under paragraph (1) either in whole or in part or subject to such modifications or conditions as the Department thinks fit.

(3) The Department may at any time approve an amendment to the estimates approved under paragraph (2) in such manner as it may determine.

(4) Subject to paragraph (5), the expenditure of the Executive shall be in accordance with estimates approved under paragraph (2) but where the Department is satisfied that any expenditure not provided for by the estimates has been, or will be, reasonably and properly incurred in any financial year, the Department may sanction such expenditure notwithstanding that it has not been provided for by the estimates.

(5) Where, for whatever reason, the Department has not approved the estimates for a financial year at the beginning of that year, the Executive may, until estimates for that year are approved, incur

expenditure not exceeding 40 per cent of the amount of the estimates approved for the preceding financial year.

Annual grant to the Executive

20.—(1) Subject to^[F4] paragraphs (2) and (3)], the Department may in respect of each financial year pay to the Executive at such times, in such manner and subject to such conditions as the Department may think fit, a grant towards the expenditure incurred or to be incurred by the Executive in that year.

(2) The amount of any grant payable by the Department under paragraph (1) shall be such as the Department may, with the approval of the Department of Finance, determine.

^[F4](3) Paragraph (1) does not empower the Department to pay grant towards expenditure incurred or to be incurred by the Executive in the exercise of its functions under Article 86.

(4) For the purposes of Article 86 paragraphs (1) and (2) shall have effect subject to the following modifications—

- (a) and reference to the Department shall be construed as a reference to the Department of Economic Development; and
- (b) in paragraph (1) the reference to expenditure incurred or to be incurred by the Executive shall be construed as a reference to expenditure incurred by the Executive in the exercise of its functions under that Article.]

F4 SR 1984/204

Accounts and Audit

21.—^[F5](1) The Executive shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Executive shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General for Northern Ireland.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts sent to him by the Executive under this Article; and
- (b) send a copy of his report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.]

(9) The Executive may invest such money as is not immediately required for the purposes of the Executive^[F6] in any investments in which trustees may invest under—

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- (a) the general power of investment in section 3 of the Trustee Act (Northern Ireland) 2001 (as restricted by sections 4 and 5 of that Act); or
- (b) section 8(1)(a) of that Act (land).]

F5 2003 NI 5
F6 2001 c. 14 (NI)

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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](#)
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