STATUTORY INSTRUMENTS

1988 No. 1990

The Housing (Northern Ireland) Order 1988

PART III

MISCELLANEOUS PROVISIONS

Amendments relating to the right to buy

Discount

18.—(1) In Article 9 of the Order of 1983—

(a) for paragraph (1) there shall be substituted the following paragraph—

"(1) Subject to the following provisions of this Chapter, a person exercising the right to buy is entitled to a discount of a percentage calculated by reference to the period which is to be taken into account in accordance with Part I of Schedule 1A (qualifying period for right to buy and discount).";

(b) for paragraph (2) there shall be substituted the following paragraphs—

"(2) The discount is, subject to any order under paragraph (2A)—

(a) in the case of a house, 32 per cent. plus one per cent. for each complete year by which the qualifying period exceeds two years, up to a maximum of 60 per cent.;

(b) in the case of a flat, 44 per cent. plus two per cent. for each complete year by which the qualifying period exceeds two years, up to a maximum of 70 per cent.

(2A) The Department may by order made with the consent of the Department of Finance and Personnel provide that, in such cases as may be specified in the order—

(a) the minimum percentage discount,

(b) the percentage increase for each complete year of the qualifying period after the first two, or

(c) the maximum percentage discount,

shall be such percentage, higher than that specified in paragraph (2), as may be specified in the order.

(2B) An order under paragraph (2A) may contain such incidental, supplementary or transitional provisions as appear to the Department to be necessary or expedient.".

(2) In Article 106(3) of the Order of 1983, after the word "under" (where it occurs for the first time), there shall be inserted the words "Article 9(2A)".

(3) The amendments made by paragraphs (1) and (2) do not apply where—

(a) the tenant's notice claiming to exercise the right to buy or, as the case may be, to acquire an additional share under an equity-sharing lease was served before the commencement of those paragraphs, and

(b) the Executive has before commencement served its notice as to the terms of exercise of that right, that is, its notice under Article 11 of the Order of 1983 or paragraph 3(4) of Schedule 6 to the Order of 1986,

but without prejudice to the tenant's right to withdraw the notice served before commencement and serve a new notice.

(4) In the following provisions (which in the case of disposals at a discount require a covenant for repayment of a proportion of the discount if the dwelling-house is disposed of within five years)—

Article 10(1) and (2) of the Order of 1983 (repayment of discount on early disposal), and paragraph 6(1) and (2) of Schedule 6 to the Order of 1986,

for "five years" there shall be substituted "three years" and for "20 per cent." there shall be substituted "one-third".

(5) A conveyance or lease containing the covenant required by any of the provisions mentioned in paragraph (4) which was executed before the amendments made by that paragraph came into operation shall, provided no amount was then or had previously been payable under the covenant, have effect with such modifications as may be necessary to bring it into conformity with the amendments.