
STATUTORY INSTRUMENTS

1988 No. 1990

The Housing (Northern Ireland) Order 1988

PART III

MISCELLANEOUS PROVISIONS

Amendments of the Order of 1981

Transfer of Executive's mortgages

27. After Article 88 of the Order of 1981 there shall be inserted the following Articles—

“Transfer of mortgages by the Executive

88A.—(1) The Executive shall not dispose of its interest as mortgagee of land without the prior written consent of the mortgagor (or, if there is more than one mortgagor, of all of them) specifying the name of the person to whom the interest is to be transferred.

(2) Consent given for the purposes of this Article—

- (a) may be withdrawn by notice in writing to the Executive at any time before the instrument effecting the disposal is made, and
- (b) ceases to have effect if the instrument effecting the disposal is not made within six months after it is given;

and if consent is withdrawn or ceases to have effect, the Executive shall return to the mortgagor any document in its possession by which he gave his consent.

(3) A disposal made without the consent required by this Article is void, subject to paragraph (4).

(4) If consent has been given and the Executive certifies in the instrument effecting the disposal that it has not been withdrawn or ceased to have effect, the disposal is valid notwithstanding that consent has been withdrawn or ceased to have effect.

(5) In such a case any person interested in the equity of redemption may, within six months of the disposal, by notice in writing served on the Executive, require the Executive, the transferee and any person claiming under the transferee to undo the disposal, on such terms as may be agreed between them or determined by the county court, and execute any documents and take any other steps necessary to vest back in the Executive the interest disposed of by it to the transferee.

(6) Without prejudice to Article 10, the Department may direct the Executive—

- (a) to give to a mortgagor whose consent is sought such information as the Department may direct;
- (b) as to the form of the document by which a mortgagor's consent is to be obtained;
- (c) to secure that notice of the fact that the disposal has been made is given to the mortgagor, and

(d) as to the form of that notice and the period (being a period of not less than 28 days from the date of the disposal) within which that notice must be given.

(7) Paragraph 2 of Part II of Schedule 5 to the Land Registration Act (Northern Ireland) 1970^{F1} (Registrar of Titles to note certain restrictive provisions) shall not apply in relation to this Article or Article 88B.

Certain transfers to require Department's approval

88B.—(1) The Executive shall not, in the following circumstances, dispose of its interest as mortgagee of land, without the approval of the Department.

(2) The circumstances are that, under the terms of the disposal or of any arrangement entered into in connection with the disposal—

- (a) any benefits or burdens of the mortgagee are retained by, or transferred to, the Executive, or
- (b) the transferee can call on the Executive to re#acquire any interest transferred or to redeem the mortgage, or
- (c) the consideration for the transfer is other than a cash sum determined at the date of the transfer, or
- (d) the transfer is carried out in consideration of some other transaction or the Executive may be required to enter into an agreement with a third party.

(3) The Department may by regulations amend paragraph (2) or provide for other circumstances in which the disposal by the Executive of its interest as mortgagee of land requires the approval of the Department.”.

F1 1970 c. 18 (NI)

Changes to legislation:

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1988, Section 27.