
STATUTORY INSTRUMENTS

1992 No. 1725

The Housing (Northern Ireland) Order 1992

CHAPTER II

REGISTRATION OF HOUSING ASSOCIATIONS

Inquiries into affairs of registered housing associations

23.—(1) The Department may appoint a person to conduct an inquiry into the affairs of any registered housing association and, if the appointed person considers it necessary for the purposes of the inquiry, he may also inquire into the business of any other body which, at a time which the appointed person considers material, is or was a subsidiary or associate of the association concerned.

(2) No person who is, or at any time has been, an officer of the Department shall be appointed to conduct an inquiry under paragraph (1).

(3) The appointed person may, by notice in writing served on—

- (a) the association concerned; or
- (b) any person who is, or has been, an officer, agent or member of the association; or
- (c) any person who is, or has been, an officer, agent or member of a subsidiary or associate of the association; or
- (d) any other person whom the appointed person has reason to believe is or may be in possession of information of relevance to the inquiry;

require the association or that person to produce to him such books, accounts and other documents relating to the business of the association or of any other such body as is referred to in paragraph (1) and to furnish to him such other information relating to that business, as he considers necessary for the purpose of the inquiry.

(4) Any association or other person who without reasonable excuse fails to comply with the requirements of a notice under paragraph (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) Where, by virtue of paragraph (3), any books, accounts or other documents are produced to the appointed person he may take copies of or make extracts from them.

(6) The appointed person may, if he thinks fit during the course of the inquiry, make one or more interim reports to the Department on such matters as appear to him to be appropriate.

(7) On completion of the inquiry the appointed person shall make a report to the Department on such matters and in such form as the Department may specify.

(8) In paragraph (3) “agent” includes banker, solicitor and auditor; but nothing in this Article requires disclosure—

- (a) by a solicitor, of any privileged communication made to him in his capacity as solicitor; or
- (b) by a housing association’s bankers, of any information as to the affairs of any of their other customers.

(9) In this Article, in relation to a housing association, “subsidiary” means a company with respect to which one of the following conditions is fulfilled,—

- (a) the association is a member of the company and controls the composition of the board of directors; or
- (b) the association holds more than half in nominal value of the company's equity share capital; or
- (c) the company is a subsidiary, within the meaning of the Companies (Northern Ireland) Order 1986⁽¹⁾ or the Act of 1969, of another company which, by virtue of paragraph (a) or paragraph (b), is itself a subsidiary of the housing association.

(10) For the purposes of paragraph (9)(a), the composition of a company's board of directors shall be deemed to be controlled by a housing association if, but only if, the association, by the exercise of some power exercisable by the association without the consent or concurrence of any other person, can appoint or remove the holders of all or a majority of the directorships.

(11) In this Article, in relation to a housing association, "associate" means—

- (a) any body of which the association is a subsidiary, and
- (b) any other subsidiary of such a body,

and in this paragraph "subsidiary" has the same meaning as in the Companies (Northern Ireland) Order 1986⁽²⁾ or the Act of 1969 or, in the case of a body which is itself a housing association, has the meaning assigned by paragraph (9).

(12) In relation to a company which is an industrial and provident society—

- (a) any reference in paragraph (9)(a) or paragraph (10) to the board of directors is a reference to the committee of management of the society; and
- (b) the reference in paragraph (10) to the holders of all or a majority of the directorships is a reference to all or a majority of the members of the committee or, if the housing association is itself a member of the committee, such number as together with the association would constitute a majority.

(1) 1986 NI 6
(2) 1986 NI 6