
STATUTORY INSTRUMENTS

1992 No. 1725

The Housing (Northern Ireland) Order 1992

CHAPTER III

FINANCIAL ASSISTANCE FOR HOUSING ASSOCIATIONS

Recovery, etc. of grants

35.—(1) Where a grant to which this Article applies, that is to say—

- (a) a grant under Article 33 or 34, or
- (b) a grant under Article 137 of the Order of 1981 or any provision replaced by that Article,

has been made to a registered housing association, the powers conferred by paragraph (2) are exercisable in such events (including the association not complying with any conditions) as the Department may determine (in this Article referred to as “relevant events”).

(2) The Department, acting in accordance with such principles as it may determine, may—

- (a) reduce the amount of, or of any payment in respect of, the grant;
- (b) suspend or cancel any instalment of the grant; or
- (c) direct the association to pay to it an amount equal to the whole, or such proportion as it may specify, of the amount of any payment made to the association in respect of the grant,

and a direction under sub-paragraph (c) requiring the payment of any amount may also require the payment of interest on that amount in accordance with paragraphs (6) to (8).

(3) Where, after a grant to which this Article applies has been made to an association, a relevant event occurs, the association shall notify the Department and, if so required by written notice of the Department, shall furnish it with such particulars of and information relating to the event as are specified in the notice.

(4) Where—

- (a) a grant to which this Article applies has been made to an association, and
- (b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, some other registered housing association,

this Article (including this paragraph) shall have effect after that time as if the grant, or such proportion of it as is specified or determined under paragraph (5), had been made to that other association.

(5) The proportion referred to in paragraph (4) is that which, in the circumstances of the particular case—

- (a) the Department, acting in accordance with such principles as it may determine, may specify as being appropriate; or
- (b) the Department may determine to be appropriate.

(6) A direction under paragraph (2)(c) requiring the payment of interest on the amount directed to be paid to the Department shall specify in accordance with paragraph (8)—

- (a) the rate or rates of interest (whether fixed or variable) which is or are applicable;

- (b) the date from which interest is payable, being not earlier than the date of the relevant event; and
 - (c) any provision for suspended or reduced interest which is applicable.
- (7) In paragraph (6)(c)—
- (a) the reference to a provision for suspended interest is a reference to a provision whereby, if the amount which is directed to be paid to the Department is paid before a date specified in the direction, no interest will be payable for any period after the date of the direction; and
 - (b) the reference to a provision for reduced interest is a reference to a provision whereby, if that amount is so paid, any interest payable will be payable at a rate or rates lower than the rate or rates which would otherwise be applicable.
- (8) The matters specified in a direction as mentioned in sub-paragraphs (a) to (c) of paragraph (6) shall be either—
- (a) such as the Department, acting in accordance with such principles as it may determine, may specify as being appropriate, or
 - (b) such as the Department may determine to be appropriate in the particular case.