

2010 No. 251 (C. 14)

HOUSING

**The Housing (Amendment) (2010 Act) (Commencement) Order
(Northern Ireland) 2010**

Made - - - -

30th July 2010

The Department for Social Development makes the following Order in exercise of the powers conferred on it by section 19 of the Housing (Amendment) Act 2010(a).

Citation and commencement

1.—(1) This Order may be cited as the Housing (Amendment) (2010 Act) (Commencement) Order (Northern Ireland) 2010.

(2) In this Order “the 2010 Act” means the Housing (Amendment) Act 2010.

Appointed days

2. Sections 1 to 4 and 6 to 17 of the 2010 Act shall come into operation on 31st July 2010.

3. Section 5 of the 2010 Act shall come into operation on 1st December 2010.

Sealed with the Official Seal of the Department for Social Development on 30th July 2010



Heather Cousins

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order brings into operation sections 1 to 17 of the Housing (Amendment) Act (Northern Ireland) 2010 (“the 2010 Act”).

Section 1 of the 2010 Act requires the Housing Executive to formulate and publish a homelessness strategy and requires certain bodies to assist with the formulation of the strategy and to take account of the strategy in the exercise of their functions.

Section 2 of the 2010 Act requires the Housing Executive to ensure that advice about homelessness is available free of charge.

Section 3 of the 2010 Act substitutes the words “a person” for “an applicant” in Article 7A(5) of the Housing (Northern Ireland) Order 1988 to make it clear that the power to determine that a person is ineligible for homelessness assistance because of their unacceptable behaviour applies both *before* a decision under Article 7 has been taken and *after* such a decision has been taken. Section 3 also requires the Housing Executive to notify a person who is found to be ineligible for homelessness assistance of the decision and the reason(s) for the decision.

Section 4 of the 2010 Act amends Articles 10 and 11 of the Housing (Northern Ireland) Order 1988 to enable the Department to prescribe the kind of advice and assistance that the Housing Executive is required to provide to applicants who are homeless or threatened with homelessness but do not meet the full statutory criteria for re-housing.

Section 5 of the 2010 Act gives applicants for homelessness assistance the right to request a review of decisions taken by the Housing Executive on their application and the right to appeal to a county court on a point of law. Section 5 also enables the Department to make regulations which prescribe the procedure for carrying out a review.

Section 6 of the 2010 Act replaces and strengthens the Department’s existing power to monitor registered housing associations.

Section 7 of the 2010 Act provides that existing and former members or employees of the Housing Executive cannot take part in inquiries into the affairs of registered housing associations.

Section 8 of the 2010 Act enables the Department to take action to protect the interests of a registered housing association or its tenants where there has been misconduct or mismanagement in the association’s affairs.

Section 9 of the 2010 Act enables the Housing Executive and registered housing associations to take possession of houses held under introductory tenancies where such houses have been abandoned by the tenant.

Section 10 of the 2010 Act requires the Housing Executive to publish its policy and procedures for dealing with anti-social behaviour.

Section 11 of the 2010 Act clarifies the circumstances in which a court can grant an order for possession under Ground 2 in Part 1 of Schedule 3 to the Housing (Northern Ireland) Order 1983 (using accommodation for immoral or illegal purposes).

Section 12 of the 2010 Act increases the number of Housing Council nominees on the Board of the Housing Executive from three to four.

Section 13 of the 2010 Act amends Article 13(6) of the Housing (Northern Ireland) Order 1992 to ensure that registered housing associations are not required to seek the Department’s approval where they wish to offer tenancies on a qualifying shorthold basis.

Section 14 of the 2010 Act amends the definition of “family” in Article 75(1) of the Housing (Northern Ireland) Order 1992 which is used for the purpose of defining a house in multiple occupation.

Section 15 of the 2010 Act corrects a drafting error in Article 35(5) of the Private Tenancies (Northern Ireland) Order 2006.

Section 16 of the 2010 Act corrects a drafting error in Article 36(5)(a) of the Private Tenancies (Northern Ireland) Order 2006.

Section 17 of the 2010 Act gives the Northern Ireland Assembly control over orders made by the Department under Article 55(5) of the Private Tenancies (Northern Ireland) Order 2006 (increase of registered rents).

Sections 1 to 4 and 6 to 17 of the 2010 Act come into operation on 31st July 2010.

Section 5 of the 2010 Act comes into operation on 1st December 2010.

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