

2010 No. 405

HOUSING

**The Homelessness (Review) Regulations (Northern Ireland)
2010**

Made - - - - - *2nd December 2010*

Coming into operation - - - - - *15th January 2011*

The Department for Social Development(a) makes the following Regulations in exercise of the powers conferred by Article 11B of the Housing (Northern Ireland) Order 1988(b):

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Homelessness (Review) Regulations (Northern Ireland) 2010 and shall come into operation on 15th January 2011.

(2) In these Regulations, “review” means a review under Article 11A of the Housing (Northern Ireland) Order 1988.

Who is to make a decision on the review

2. The review shall be carried out by a person who was not involved in the original decision and is senior to the officer who made that decision.

Request for a review and notification of review procedure

3.—(1) A request for a review shall be made to the Executive.

(2) Where a request for a review has been made, the Executive shall—

- (a) notify the applicant that he, or someone acting on his behalf, may make representations in writing to the Executive in connection with the review, and
- (b) if it has not done so already, notify the applicant of the procedure to be followed in connection with the review.

Procedure on a review

4.—(1) The Executive shall, subject to compliance with the provisions of regulation 5, consider—

- (a) any representations made under regulation 3, and
- (b) any representations made under paragraph (2).

(a) S.I. 1999/283 (N.I. 1) Article 3(1)

(b) S.I. 1988/1990 (N.I. 23)

(2) If the Executive considers that there is a deficiency or irregularity in the original decision, or in the manner in which it was made, but is minded nonetheless to make a decision which is against the interests of the applicant on one or more issues, the Executive shall notify the applicant—

- (a) that the Executive is so minded and the reasons why, and
- (b) that the applicant, or someone acting on his behalf, may make representations to the Executive orally or in writing or both orally and in writing.

Notification of the decision on a review

5.—(1) The period within which notice of the decision on a review shall be given to the applicant by the Executive shall be eight weeks or such longer period as the applicant and the Executive may agree in writing.

Sealed with the Official Seal of the Department for Social Development on 2nd December 2010

Heather Cousins
A senior officer of the
Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the procedure to be followed by the Northern Ireland Housing Executive in connection with a review of its decision on an application for homelessness assistance under Part II of the Housing (Northern Ireland) Order 1988 as to:-

- (a) an applicant's eligibility for assistance under that Part;
- (b) what duty (if any) is owed to an applicant under Articles 10 (duties to persons found to be homeless) and 11 (duties to persons found to be threatened with homelessness); or
- (c) the suitability of accommodation offered to an applicant in discharge of the duty of the Northern Ireland Housing Executive under either of those Articles.

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