



## 2020 CHAPTER 5

### **Disposal of land etc**

1.—(1) For Article 13 of the 1992 Order (disposal of land) substitute—

#### **“Disposal of land: registered housing associations**

13.—(1) Any provision contained in the rules of a registered housing association which prevents it from disposing of any land (where such disposal would otherwise be lawful) shall be of no effect.

(2) A registered housing association that disposes of or mortgages any land must notify the Department of the disposal or mortgage in accordance with this Article.

(3) But paragraph (2) does not apply to a letting of land to one or more individuals by a registered housing association under a secure tenancy or under what would be a secure tenancy but for paragraphs 1(b) to 10 of Schedule 2 to the Order of 1983.

(4) Notification under paragraph (2) must be made—

- (a) within 28 days of the disposal taking place or (as the case may be) the mortgage being created, and
- (b) in such manner and form as the Department may prescribe.

(5) The Department may by regulations dispense with such notifications as may be described in the regulations.

(6) Notifications that are dispensed with under paragraph (5) may be described in the regulations by reference to (in particular)—

- (a) the association, or description of association, which is disposing of the land or creating the mortgage;

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(b) the land, or description of land, which is disposed of or which becomes subject to the mortgage;

(c) the description of disposal.

(7) A dispensation under paragraph (5) may be subject to such conditions as are prescribed.

### **Disposal of land: unregistered housing associations**

**13A.**—(1) Notwithstanding anything contained in section 30 of the Act of 1969, an unregistered housing association may not dispose of any grant-aided land as defined in Schedule 2 without the consent of the Department.

(2) Consent under paragraph (1) may be subject to such conditions as the Department sees fit to impose.

(3) Any such consent may be given—

(a) either generally in relation to all unregistered housing associations or to a particular unregistered housing association or description of unregistered housing association, or

(b) in relation to particular land or in relation to a particular description of land.

(4) Paragraph (1) does not prevent an unregistered housing association from disposing of any land by the granting of a lease for a term ending within the period of 7 years and 3 months beginning on the date of the grant unless—

(a) there is conferred on the lessee (whether by the lease or otherwise) an option for renewal for a term which, together with the original term, would expire outside that period, or

(b) the lease is granted wholly or partly in consideration of a fine.

(5) Without prejudice to the generality of the expression “dispose” in paragraph (1), in paragraph (4) the expression “lease” includes an agreement for a lease and a licence to occupy and the expressions “grant” and “term” are to be construed accordingly.”.

(2) In Schedule 2 to the 1992 Order (grant-aided land)—

(a) for the shoulder reference substitute “Article 13A(1)”;

(b) in paragraph 1, for “Article 13” substitute “Article 13A”.

(3) In consequence of the amendment made by subsection (1)—

(a) paragraph 41(a) of Schedule 11 to the Land Registration Act (Northern Ireland) 1970 is repealed;

(b) any entry in the Statutory Charges Register that was made in pursuance of Article 13(7) of the 1992 Order ceases to have effect.

(4) The following provisions are repealed—

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- (a) Article 141 of the Housing (Northern Ireland) Order 2003;
- (b) section 13 of the Housing (Amendment) Act (Northern Ireland) 2010.