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## STATUTORY INSTRUMENTS

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# 1981 No. 156

## Housing (Northern Ireland) Order 1981

### PART I

#### INTRODUCTORY

##### **Title and commencement**

1. This Order may be cited as the Housing (Northern Ireland) Order 1981 ... *Commencement* ...

##### **Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“building regulations” means building regulations made under the Building Regulations (Northern Ireland) Order 1972 or under the Building Regulations (Northern Ireland) Order 1979 ;

[<sup>F1</sup>“building society” means a building society within the meaning of the Building Societies Act 1986]

“clearance area” means an area declared to be a clearance area under Article 32;

“closing order” means an order under Article 38;

“the Council” means the Northern Ireland Housing Council;

“demolition order” means an order under Article 35;

“the Department” means the Department of the Environment;

“exclusion order” means an order under Article 34;

“the Executive” means the Northern Ireland Housing Executive;

“flat” means a separate and self-contained set of premises constructed for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“hostel” means a building wherein is provided for persons generally, or for a class or classes of persons, residential accommodation (otherwise than in separate or self-contained sets of premises) and either board or facilities for the preparation of food adequate to the needs of those persons, or both;

“house” includes (subject to paragraph (3))—

- (a) any part of a building, being a part which is occupied or intended to be occupied as a separate dwelling,
- (b) a flat,

**Status:** Point in time view as at 01/04/2019.

**Changes to legislation:** Housing (Northern Ireland) Order 1981, PART I is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(c) any yard, garden, outhouse and appurtenances belonging to a house, or usually enjoyed therewith, and

(d) the site of a house;

[<sup>F2</sup>“house in multiple occupation” has the meaning given in [<sup>F3</sup>section 1 of the Houses in Multiple Occupation Act (Northern Ireland) 2016] ;]

“housing accommodation” means houses, houses in multiple occupation and hostels;

“housing action area” mean an area declared to be a housing action area under Article 52;

“mortgage” includes a charge;

“net annual value” has the same meaning as in Article 31(3) of the Land Acquisition and Compensation (Northern Ireland) Order 1973 ;

“owner”, in relation to land—

(a) means a person, other than a mortgagee not in possession, who, whether in his own right or as a trustee for any other person and whether alone or jointly or in common with any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let; and

(b) includes, where notice under this Order is required to be served on an owner, any person who as agent is entitled to receive the rack rent of the land.

“prescribed”, except in relation to “prescribed rate”, means prescribed by regulations made by the Department;

“prescribed rate”, in relation to interest, means such rate as is determined by an order made by the Department of Finance for the purposes of paragraph 18(2) of Schedule 6 to the Local Government Act (Northern Ireland) 1972 ;

“rack rent”, in relation to a house, means a rent which is not less than two-thirds of the net annual value of the house, or a rent which has been fixed in accordance with the Rent (Northern Ireland) Order 1978 ;

*Definition rep. by 1992 NI 15*

“repair notice” means notice under Article 41;

“statutory provision” has the same meaning as in section 1( f) of the Interpretation Act (Northern Ireland) 1954 ;

“unfit for human habitation” shall be construed in accordance with Article 46.

(3) In Chapters II and III of Part III references to a house include a reference to a hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been on substantially the same site or enclosed within the same area for a period of not less than one year.

*Paras. (4)#(5) rep. by 2003 NI 2*

**F1** 1986 c. 53

**F2** 1992 NI 15

**F3** Words in art. 2(2) substituted (1.4.2019) by [Houses in Multiple Occupation Act \(NorthernIreland\) 2016 \(c. 22\)](#), s. 90(2), [Sch. 7 para. 3\(1\)](#); S.R. 2019/39, art. 2 (with art. 3)

#### [<sup>F4</sup>Meaning of member of a person's family

**2A.—**(1) For the purposes of this Order a person is a member of another's family if—

(a) he is the spouse[<sup>F5</sup> or civil partner] of that person, or he and that person live together as husband and wife[<sup>F5</sup> or as if they were civil partners], or

- (b) he is that person's parent, grandparent, child, grandchild, brother, or sister.
- (2) For the purpose of paragraph (1)(b)—
  - (a) a relationship by marriage<sup>F5</sup> or civil partnership] shall be treated as a relationship by blood,
  - (b) a relationship of the half-blood shall be treated as a relationship of the whole blood, and
  - (c) the stepchild of a person shall be treated as his child.]

**F4** 2003 NI 2

**F5** 2004 c. 33

**Status:**

Point in time view as at 01/04/2019.

**Changes to legislation:**

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