
STATUTORY INSTRUMENTS

2003 No. 412

The Housing (Northern Ireland) Order 2003

PART IV

MISCELLANEOUS AMENDMENTS

CHAPTER IV

AMENDMENTS OF THE ORDER OF 1988

Definition of “homelessness”

135. In Article 3 of the Order of 1988 (homelessness and threatened homelessness), in paragraph (1) for the words “in Northern Ireland” there shall be substituted “available for his occupation in the United Kingdom or elsewhere”.

Becoming homeless intentionally

136. In Article 6 of the Order of 1988 (becoming homeless intentionally), after paragraph (3) there shall be inserted—

“(3A) A person shall be treated as becoming homeless intentionally, or as becoming threatened with homelessness intentionally, if—

- (a) he enters into an arrangement under which he is required to cease to occupy accommodation which it would be reasonable for him to continue to occupy, and
- (b) the purpose of the arrangement is to enable him to become entitled to assistance under this Part,

and there is no other good reason why he is homeless.”.

Eligibility for housing assistance

137. After Article 7 of the Order of 1988 (inquiry into cases of homelessness or threatened homelessness) there shall be inserted—

“Persons not eligible for housing assistance

7A.—(1) A person is not eligible for assistance under this Part—

- (a) if he is a person from abroad who is subject to immigration control and is ineligible for such assistance by virtue of section 119 of the Immigration and Asylum Act 1999 (c. 33);
- (b) if he is any other person from abroad who is ineligible for such assistance by virtue of regulations made under paragraph (2); or
- (c) if he is a person who the Executive has decided is to be treated as ineligible for such assistance by virtue of paragraph (5).

(2) The Secretary of State may, for the purposes of paragraph (1)(b), make provision by regulations as to other descriptions of persons who are to be treated as persons from abroad who are ineligible for assistance under this Part.

(3) Regulations made under paragraph (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument, and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

(4) A person from abroad who is not eligible for assistance under this Part shall be disregarded in determining for the purposes of this Part whether another person—

- (a) is homeless or threatened with homelessness, or
- (b) has a priority need for accommodation.

(5) The Executive may decide that an applicant is to be treated as ineligible for assistance under this Part if it is satisfied that—

- (a) he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the Executive; and
- (b) in the circumstances at the time his application is considered, he is unsuitable to be a tenant of the Executive by reason of that behaviour.

(6) The only behaviour which may be regarded by the Executive as unacceptable for the purposes of paragraph (5)(a) is—

- (a) behaviour of the person concerned which would (if he were a secure tenant of the Executive) entitle the Executive to a possession order under Article 29 of the Order of 1983 on Ground 2 or Ground 3 in Schedule 3 to that Order; or
- (b) behaviour of a member of his household which would (if he were a person residing with a secure tenant of the Executive) entitle the Executive to such a possession order.

(7) Where the Executive is satisfied that a person is not eligible for assistance under this Part by virtue of paragraph (1)(c) of this Article but has a priority need, it shall treat him in the same manner as an applicant to whom paragraph (3) of Article 10 applies.

(8) Where the Executive is satisfied that a person—

- (a) is not eligible for assistance under this Part by virtue of paragraph (1)(a) or (b); or
- (b) is not eligible for assistance under this Part by virtue of paragraph (1)(c) and does not have a priority need;

it shall treat him in the same manner as an applicant to whom paragraph (4) of Article 10 applies.

Provision of information by Secretary of State

7B.—(1) The Secretary of State shall, at the request of the Executive, provide the Executive with such information as it may require to enable it to determine for the purposes of paragraph (1)(a) or (b) of Article 7A whether such a person is eligible for assistance under this Part.

(2) Where that information is given otherwise than in writing, the Secretary of State shall confirm it in writing if a written request is made to him by the Executive.

(3) If it appears to the Secretary of State that any application, decision or other change of circumstances has affected the status of a person about whom information was previously provided by him to the Executive under this Article, he shall inform the Executive in writing of that fact, the reason for it and the date on which the previous information became inaccurate.”.

Emergency grants

138. After Article 29 of the Order of 1988 (scheme for purchase of evacuated dwellings) there shall be inserted—

“Scheme for emergency grants

29A.—(1) The Executive shall submit to the Department a scheme making provision to pay grants to persons—

- (a) who are eligible tenants of houses, and
- (b) who, in consequence of acts of violence, threats to commit such acts or other intimidation, are unable or unwilling to occupy those houses.

(2) A person is an eligible tenant of a house for the purposes of a scheme if, and only if, he has—

- (a) a secure tenancy, within the meaning of Article 25 of the Order of 1983;
- (b) a protected tenancy or a statutory tenancy, within the meaning of the Rent (Northern Ireland) Order 1978; or
- (c) a tenancy of another description specified for the purposes of this paragraph by order of the Department.

(3) A scheme shall include provision as to—

- (a) the circumstances in which grants are to be payable;
- (b) the method by which (subject to paragraph (5)) the amount of grant payable to any person is to be calculated;
- (c) the conditions which may be attached to a grant, including, in particular, conditions for repayment, in circumstances specified in the scheme, of the whole or part of the grant; and
- (d) any other matter specified by the Department.

(4) A scheme may include such further provision as the Executive considers appropriate.

(5) The Department may by order specify the maximum amount of grant which may be paid to a person under a scheme.

(6) The Department may approve a scheme submitted under paragraph (1) with or without modifications.

(7) The Executive shall comply with a scheme approved by the Department under paragraph (6).

(8) The Executive may at any time, and if the Department so directs shall, submit to the Department proposals for amending a scheme approved under paragraph (6) or a scheme replacing any such scheme, and paragraphs (6) and (7) shall have effect in relation to those proposals or a scheme replacing an existing scheme as they have effect in relation to a scheme.

(9) An order made under paragraph (2)(c) or (5) shall be subject to negative resolution.

(10) The powers of the Executive shall be deemed always to have included power to make and operate a scheme making provision corresponding to that mentioned in paragraph (1).”