

Housing (Amendment)

At the Court at Buckingham Palace, the 14th day of December 2006

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Housing (Amendment) (Northern Ireland) Order 2006.

(2) This Article and Article 2 come into operation on the expiration of 7 days from the day on which the Order is made.

(3) Article 3 and the Schedule come into operation on such day as the Department for Social Development may by order appoint.

(4) An order under paragraph (3) may contain such transitional or saving provisions as appear to that Department to be necessary or expedient.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

Arrangements for payment of grants to housing associations

3. The amendments set out in the Schedule, which relate to arrangements for the payment of certain grants to registered housing associations, shall have effect.

Meriel McCullagh

Deputy Clerk of the Privy Council

Article 3.

SCHEDULE

ARRANGEMENTS FOR PAYMENT OF GRANTS TO REGISTERED
HOUSING ASSOCIATIONS

The Housing (Northern Ireland) Order 1992 (NI 15)

1. The Housing (Northern Ireland) Order 1992 shall be amended as follows.
2. In Article 4(1) (functions of the Department), in sub-paragraph (c), for the words from “exercise” to the end substitute “and exercise supervision and control over registered housing associations.”.
- 3.—(1) Article 33 (housing association grants) shall be amended as follows.
(2) For the heading and paragraphs (1) to (3), substitute—

“Payment of housing association grants by the Executive

33.—(1) The Executive may make housing association grants to registered housing associations in respect of expenditure incurred or to be incurred by them in connection with housing activities.

(1A) But the Executive shall not make grants under paragraph (1) to a designated association in respect of expenditure incurred or to be incurred by it in connection with specified housing activities.

(1B) In paragraph (1A)—

“designated association” means an association designated under Article 33A(1), and

“specified housing activities” means, in relation to a designated association, housing activities specified in accordance with Article 33A(2).

(2) As respects grants under this Article the Department, acting in accordance with such principles as it may determine, may give directions as to—

- (a) the procedure to be followed in relation to applications for grant;
- (b) the circumstances in which grant is or is not to be payable;
- (c) the method for calculating, and any limitations on, the amount of grant; and
- (d) the manner in which, and time or times at which, grant is to be paid;

and the Executive shall act in accordance with those directions.

(2A) Any directions given under paragraph (2) may be varied or revoked by subsequent directions.

(2B) Nothing in paragraph (2) or (2A) affects the Department’s power to give directions to the Executive under Article 10 of the Order of 1981.

(3) In making a grant under this Article, the Executive shall, if the Department so requires, provide that the grant is conditional on compliance with such conditions as the Department may specify.”.

4. After Article 33 insert—

“Payment of grants to designated associations

33A.—(1) The Department may designate any registered housing association for the purposes of this Article.

(2) Where the Department designates an association under paragraph (1), it shall specify the housing activities of the association in relation to which the designation has effect.

(3) The Department may make grants to any designated association in respect of expenditure incurred or to be incurred by it in connection with housing activities specified in accordance with paragraph (2).

(4) As respects grants under this Article the Department, acting in accordance with such principles as it may determine, may specify—

- (a) the procedure to be followed in relation to applications for grant;
- (b) the circumstances in which grant is or is not to be payable;
- (c) the method for calculating, and any limitations on, the amount of grant; and
- (d) the manner in which, and time or times at which, grant is to be paid.

(5) In making a grant under this Article, the Department may provide that the grant is conditional on compliance by the association with such conditions as it may specify.

(6) Paragraphs (4) and (5) of Article 33 shall apply for the purposes of this Article as they apply for the purposes of that Article.”.

5. In Article 34(3) (revenue deficit grants), for “Paragraphs (2) and (3) of Article 33” substitute “Paragraphs (4) and (5) of Article 33A”.

6.—(1) Article 35 (recovery, etc. of grants) shall be amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (a), after “33” insert “, 33A”, and
- (b) after “exercisable” insert “by the grantor”.

(3) In paragraph (2)—

- (a) for “The Department” substitute “The grantor”, and
- (b) for “it” (first time) substitute “the Department”.

(4) In paragraph (3), for “the Department” (both times) substitute “the grantor”.

(5) In paragraph (5)—

- (a) in sub-paragraph (a)—
 - (i) for “the Department” substitute “the grantor”, and
 - (ii) for “it” substitute “the Department”; and
- (b) in sub-paragraph (b) for “the Department” substitute “the grantor”.

(6) In paragraphs (6) and (7)(a), for “the Department” substitute “the grantor”.

(7) In paragraph (8)—

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- (a) in sub-paragraph (a)—
 - (i) for “the Department” substitute “the grantor”, and
 - (ii) for “it” substitute “the Department”; and
 - (b) in sub-paragraph (b) for “the Department” substitute “the grantor”.
- (8) After that paragraph, add the following—
- “(9) In this Article “the grantor” means—
- (a) in relation to—
 - (i) any grant made under Article 33 before the commencement date to a registered housing association which is not a designated association, and
 - (ii) any grant made under that Article after that date, the Executive;
 - (b) in relation to—
 - (i) any grant made under Article 33 before the commencement date to a designated association, and
 - (ii) any grant, whenever made, under any other provision mentioned in paragraph (1), the Department.
- (10) In paragraph (9)—
- (a) “the commencement date” means the date on which Article 3 of the Housing (Amendment) (Northern Ireland) Order 2006 comes into operation; and
 - (b) “designated association” has the meaning given in Article 33(1B).”.

The Finance Act 2000 (c. 17)

7. In section 130 of the Finance Act 2000 (transfer of interests in land to registered social landlords, etc.), in subsection (7)(e), after “33” insert “or 33A”.

The Finance Act 2003 (c. 14)

8. In section 71 of the Finance Act 2003 (land acquisitions by registered social landlords), in subsection (4)(e), after “33” insert “or 33A”.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Housing (Northern Ireland) Order 1992. The effect of the amendments, which are set out in the Schedule, is to transfer from the Department for Social Development to the Northern Ireland Housing Executive certain functions in relation to the payment of grants to registered housing associations.

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