

---

## STATUTORY INSTRUMENTS

---

# 1981 No. 156

## Housing (Northern Ireland) Order 1981

### PART X

#### MISCELLANEOUS

#### [<sup>F1</sup>Power of the Executive to enter into indemnity agreements with building societies

**156.**—(1) The Executive may, with the approval of the Department, enter into agreements with building societies lending on the security of house property in Northern Ireland whereby, in the event of default by the mortgagor, and in circumstances and subject to conditions specified in the agreements, the Executive binds itself to indemnify the building society in respect of—

- (a) the whole or part of the mortgagor's outstanding indebtedness; and
- (b) any loss or expense falling on the building society in consequence of the mortgagor's default.

(2) In paragraph (1) “house property” means any property which is a house within the meaning of Article 2 (2).

(3) The agreement may also, where the mortgagor is made party to it, enable or require the Executive in specified circumstances to take a transfer of the mortgage and assume rights and liabilities under it, the building society being then discharged in respect of them.

(4) The transfer may be made to take effect—

- (a) on any terms provided for by the agreement (including terms involving substitution of a new mortgage agreement or modification of the existing one); and
- (b) so that the Executive is treated as acquiring (for and in relation to the purposes of the mortgage) the benefit and burden of all preceding acts, omissions and events.

(5) The Department may under paragraph (1) approve particular agreements or give notice that particular forms of agreement have its approval; and—

- (a) may in either case make the approval subject to conditions;
- (b) shall, before giving notice that a particular form has its approval, consult the [<sup>F2</sup> Building Societies Commission], the Executive and such organisations representative of building societies as the Department thinks expedient.

*Para. (6) rep by 1986 c. 53*

*Para. (7) rep by SI 2000/311J*

**F1** 1983 NI 15

**F2** 1986 c. 53

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Housing (Northern Ireland) Order 1981, PART X is up to date with all changes known to be in force on or before 27 June 2024. 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)*

### [<sup>F3</sup> **Financial assistance for voluntary organisations concerned with housing**

**156A.**—(1) Subject to such terms and conditions as it may determine, the Department may, with the consent of the Department of Finance and Personnel, give to a voluntary organisation assistance by way of grant or by way of loan, or partly in the one way and partly in the other, for the purpose of enabling or assisting the organisation to provide training or advice, or to undertake research, or for other similar purposes relating to housing.

(2) In paragraph (1) “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any district council or other public body, within the meaning of section 146(2) of the Local Government Act (Northern Ireland) 1972, or a registered housing association with the meaning of Article 114.]

F3 1983 NI 15

### [<sup>F4</sup> **Indemnity agreements with recognised bodies**

**156AA.**—(1) Article 156 shall apply in relation to recognised bodies, subject to the modifications set out in paragraphs (2) to (4).

(2) In paragraphs (1) to (5) of Article 156, for any reference to a building society there shall be substituted a reference to a recognised body.

(3) In paragraph (5)(b) of that Article the reference to the Registrar of Friendly societies for Northern Ireland shall be omitted.

(4) For paragraph (6) for that Article there shall be substituted the following paragraphs—

“(6) In this Article “recognised body” means any body specified or of a class or description specified in an order made by the Department, with the consent of the Department of Finance and Personnel.

(7) Before making an order under paragraph (6) varying or revoking an order previously made, the Department shall give an opportunity for representations to be made on behalf of any recognised body which, if the order were made, would cease to be such a body.

(8) An order made under paragraph (6) shall be subject to negative resolution.”.]

F4 1986 NI 13

### **Inquiries**

**157.** Without prejudice to any other provision of this Order relating to inquiries, the Department may cause an inquiry to be held in connection with any matter relating to housing where it appears to the Department to be advisable to do so.

### **Power to authorise superior landlord to enter and execute works**

**158.**—(1) Where it is proved to the satisfaction of the court on an application in accordance with rules of court by any person entitled to any estate in any land used in whole or in part as a site for houses that the premises on the land are, or are likely to become, dangerous, or injurious to health, or unfit for human habitation, and that the interests of the applicant are thereby prejudiced, the court may make an order empowering the applicant forthwith to enter on the land and within the time fixed by the order to execute such works as may be necessary, and may order that any lease or agreement for a lease held from the applicant and any derivative underlease shall be determined subject to such conditions and to the payment of such compensation as the court may consider just.

(2) The court shall include in its order provisions to secure that the proposed works are carried out.

(3) In this Article “court” means the High Court and, in relation to matters within the jurisdiction of a county court, includes the county court.

#### **Department's power to enter on land, etc.**

**159.** Articles 13 and 14 (Executive's power to enter on land and to obtain information as to the ownership of land) shall apply in relation to the functions exercisable by the Department under this Order as if for any reference in those Articles to the Executive there were substituted a reference to the Department.

[<sup>F5</sup>**159A.**—(1) Paragraph 23 of the [<sup>F6</sup> electronic communications code] (which provides a procedure for certain cases where works involve the alteration of [<sup>F6</sup> electronic communications apparatus]) shall apply to the Executive for the purposes of any works which it is authorised to execute under Chapter II, III or V of Part III.

(2) Where in pursuance of an order under Article 51 a public right of way over land is extinguished and, at the beginning of the day on which the order comes into operation, there is under, in, on, over, along or across the land any [<sup>F6</sup> electronic communications apparatus] kept installed for the purposes of [<sup>F6</sup> an electronic communications code network], the operator of [<sup>F6</sup> that network] shall have the same powers in respect of that apparatus as if the order had not come into operation; but any person entitled to land over which the right of way subsisted shall be entitled to land over which the right of way subsisted shall be entitled to require the alteration of the apparatus.

(3) Paragraph 1(2) of the [<sup>F6</sup> electronic communications code] (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this Article as it applies for the purposes of that code.

(4) Paragraph 21 of the [<sup>F6</sup> electronic communications code] (restriction on removal of [<sup>F6</sup> electronic communications apparatus]) shall apply in relation to any entitlement conferred by this Article to require the alteration, moving or replacement of any [<sup>F6</sup> electronic communications apparatus] as it applies in relation to an entitlement to require the removal of any such apparatus.]

**F5** 1984 c. 12

**F6** 2003 c. 21

#### **Penalty for obstruction**

**160.**—(1) Any person who wilfully obstructs an authorised person in the performance of anything which he is required or authorised to do by this Order shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [<sup>F7</sup> level 4 on the standard scale].

(2) In this Article “authorised person” means any person (including any officer of the Department or of the Executive) who is required or authorised under this Order to exercise any function.

**F7** 2003 NI 2

#### **Registration of certain matters as statutory charges**

**161.**—(1) There shall be included among the matters which are required to be registered in the Statutory Charges Register—

(a) any clearance order made under Article 33;

**Status:** Point in time view as at 01/04/2015.

**Changes to legislation:** Housing (Northern Ireland) Order 1981, PART X is up to date with all changes known to be in force on or before 27 June 2024. 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)

- (b) any notice served under Article 35;
  - [<sup>F8</sup>(bb) any closing order made under Article 38;]
  - (c) any charge created under Article 42;
  - (d) any declaration made under Article 47 declaring an area to be a proposed re-development area;
  - (e) any declaration made under Article 52 declaring an area to be a housing action area, any extension of the duration of a housing action area under Article 53(2) and any amendment of such a declaration under Article 54;
- (Sub#  
paras)
- (h) the statutory condition attaching by virtue of Article 123 to land held by a registered housing association and to grant-aided land as defined in Schedule 9 held by an unregistered housing association.
- (2) An application for registration of—
- (a) any of the matters mentioned in sub-paragraphs ( a ) to ( g ) of paragraph (1) shall be made by the Executive within 2 months after the Executive has made the order or declaration, served the notice or paid the grant, as the case may be;
  - (b) the statutory condition attaching to any land mentioned in sub-paragraph ( h ) of paragraph (1) shall be made by the Department—
    - (i) where land is held by a housing association at the date of the coming into operation of this Order, within one month of that date,
    - (ii) where land is acquired by a housing association after the date of the coming into operation of the Order, as soon as reasonably practicable after the acquisition of the land.
- (3) Any person who suffers loss by reason of the failure of the Executive to comply with paragraph (2)( a ) in so far as it relates to the matters mentioned in paragraph (1)( a ), ( b ) or ( d ) or the failure of the Department to comply with paragraph (2)( b ) may bring proceedings in any court of competent jurisdiction against the Executive or, as the case may be, the Department and recover from it the amount of that loss.

**F8** 1992 NI 15

## Regulations

**162.**—(1) The Department may make regulations prescribing anything which is to be prescribed and providing for any matter in regard to which regulations may be made under this Order and generally for carrying this Order into effect, and, without prejudice to the generality of the foregoing, may make regulations prescribing the form of any notice, advertisement, statement or other document which is required or authorised to be used under or for the purposes of this Order.

(2) Regulations under this Order[<sup>F9</sup> other than those made under Article 22A(3)] shall be subject to negative resolution.

**F9** 2003 NI 2

## Amendments, savings and transitional provisions, repeals and revocation

*Para.(1), with Schedule 11, effects amendments*

---

**Changes to legislation:** *Housing (Northern Ireland) Order 1981, PART X is up to date with all changes known to be in force on or before 27 June 2024. 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)*

---

(2) Subject to the savings and transitional provisions set out in Schedule 12, the provisions mentioned in Schedule 13 are repealed or revoked to the extent shown in the third column of that Schedule.

**Status:**

Point in time view as at 01/04/2015.

**Changes to legislation:**

Housing (Northern Ireland) Order 1981, PART X is up to date with all changes known to be in force on or before 27 June 2024. 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.