

SCHEDULES

SCHEDULE 1

Article 3(3).

THE NORTHERN IRELAND HOUSING EXECUTIVE

1.—(1) The Executive shall consist of^[F1] ten] persons appointed by the head of the Department of whom ^[F2]4] shall be^[F3] members of the Council].

^[F3](1A) The Council shall, in accordance with such procedure as the Department may direct, nominate such number of persons who are members of the Council as the Department may determine for consideration for appointment as members of the Executive.]

(2) The head of the Department shall appoint a member of the Executive to be its chairman and another member to be vice-chairman.

F1 1983 NI 15

F2 Word in Sch. 1 para. 1(1) substituted (31.7.2010) by [Housing \(Amendment\) Act \(Northern Ireland\) 2010](#) (c. 9), ss. 12, 19(1); S.R. 2010/251, art. 2

F3 2003 NI 2

^[F4]2. In making appointments under paragraph (1), the Minister in charge of the Department shall as far as practicable secure that the members of the Executive as a group, are representative of the community in Northern Ireland.]

F4 2003 NI 2

3.—(1) Subject to this paragraph, a member of the Executive shall hold and vacate office in accordance with the terms of his appointment.

(2) A person shall not be appointed a member for a term exceeding 5 years, but previous membership shall not affect eligibility for re-appointment.

(3) A member of the Executive who is appointed on the nomination of the Council shall cease to be such a member when he ceases to be a member of the Council.

(4) A member of the Executive may resign his membership at any time.

(5) The head of the Department may, by notice in writing addressed to a member, terminate his appointment as a member of the Executive if of the opinion that he is unfit to continue in office or incapable of performing his duties as member.

4. The Executive may act notwithstanding any vacancy in its membership.

5. The Executive may pay to its members such remuneration and other allowances as the Department may, with the approval of the Department of the Civil Service, determine.

6.—(1) The Executive may constitute committees of its members to which it may delegate such of its functions as it may specify.

(2) The functions and proceedings of any committee of the Executive shall be exercised subject to, or regulated in accordance with, any directions of the Executive.

Status: Point in time view as at 01/04/2019.

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7. Sections 28 to 33, 42,^[F5] 46, 47, 47A, 48] and 146 of the Local Government Act (Northern Ireland) 1972 , and section 148 of that Act so far as it applies for the interpretation of those sections, shall apply to the Executive and its members and officers as if—

- (a) in those sections any reference to a council were a reference to the Executive, any reference to a councillor were a reference to a member of the Executive and any reference to a clerk of a council were a reference to such officer of the Executive as the Department may specify;
- (b) in section 28(4) of that Act for the words from “by any local elector” onwards there were substituted the words “ by any person ”.

F5 1988 NI 23

8.—(1) The common seal of the Executive shall, when applied to a document, be attested by the signature of a member of the Executive, or of an officer of the Executive authorised by it to act for the purposes of this paragraph.

(2) Any contract or instrument which, if entered into or executed by an individual would not require to be^[F6] executed as a deed] may be entered into or executed on behalf of the Executive by any person generally or specially authorised by the Executive to act for that purpose.

F6 2005 NI 7

9. The validity of any proceedings of the Executive or of any of its committees shall not be affected by any defect in the appointment of any person acting as a member of the Executive or of any such committee.

Para. 10 rep. by 1996 NI 7

SCHEDULE 2

Article 4(7).

THE NORTHERN IRELAND HOUSING COUNCIL

1.—(1) The Council shall, subject to sub-paragraph (2), consist of the chairman of each district council.

(2) A district council may at any time appoint one of its members as a member of the council in place of a person who is a member under sub-paragraph (1), and, where a person so appointed dies or resigns, the district council which appointed him may appoint another of its members in his place.

(3) A person who is a member of the Council by virtue of being appointed by a district council shall cease to be such a member if he ceases to be a member of that district council.

(4) A member of the Council may resign his membership at any time.

(5) A district council may remove a person appointed by it as a member of the Council and appoint another of its members in his place.

2. ^[F7]Subject to paragraph 1(1A) of Schedule 1,] The Council may regulate its own proceedings.

F7 2003 NI 2

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3. The validity of any proceedings of the Council shall not be affected by any defect in the appointment of a person acting as a member of the Council.

4.—(1) The Council may constitute one or more committees to which it may delegate such of its functions as it may specify.

(2) A committee constituted under sub-paragraph (1) may include persons who are not members of the Council, but the majority of the members of the committee shall be members of the Council.

(3) The functions and proceedings of any committee constituted under sub-paragraph (1) shall be exercised subject to, or regulated in accordance with, any directions of the Council.

5. The Executive may pay to members of the Council such travelling, subsistence or other allowances as the Department may, with the approval of the Department of the Civil Service, determine.

Schedule 3 restates Amendments of 1972 c.9 (NI), made by 1976 NI 25

SCHEDULE 4

Articles 33(2), 34(3) and (5) and 35(7).

CLEARANCE ORDERS

PART I

MAKING AND OPERATION OF CLEARANCE ORDERS

1. A clearance order shall be in the prescribed form and shall describe by reference to a map the area to which it applies, and shall fix by reference to the date on which it becomes operative the period, not being less than 28 days from that date, within which the Executive requires the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

2.—(1) Before submitting the order to the Department the Executive shall—

- (a) publish in one or more than one newspaper circulating within the district to which the clearance order relates a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at reasonable times; and
- (b) serve upon every owner, lessee and occupier (except tenants for a month or a less period than a month) of any building included in the area to which the order relates and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Department for confirmation, and specifying the time within and the manner in which objections thereto can be made.

(2) For the purposes of sub-paragraph (1)(b), an occupier, being a tenant who retains possession by virtue of the Rent (Northern Ireland) Order 1978 and not by reason only of a contractual tenancy, shall be deemed to be a tenant for a period of less than a month.

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3. So soon as may be after the required notices have been given, the Executive shall submit the order to the Department for confirmation.

4.—(1) If no objection, other than an objection which the Department is satisfied is of a frivolous or vexatious nature, is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Department may, if it thinks fit, confirm the order with or without modification; but in any other case the Department shall, before confirming the order, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order, either with or without modification.

(2) The order as confirmed by the Department shall not apply to any building to which the order would not have applied if it had been confirmed without modification.

5. The Department may confirm an order, notwithstanding that the effect of the modifications made by the Department in excluding any buildings from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Schedule relating to the effect of an order when confirmed, and to the proceedings to be taken subsequent to the confirmation thereof, shall apply as if those areas formed one clearance area.

6. So soon as may be after a clearance order has been confirmed by the Department the Executive shall publish in a newspaper circulating in the district to which the order relates a notice in the prescribed form, stating that the order has been confirmed and naming a place where a copy of the order as confirmed and of any map or plan referred to therein may be seen at all reasonable times, and shall serve a like notice on every person who, having given notice to the Department of his objection to the order, appeared at a public local inquiry in support of his objection.

7. A clearance order shall become operative at the expiration of 6 weeks from the date on which notice of its confirmation is published in accordance with the provisions of paragraph 6.

8. So soon as may be after a clearance order has become operative, the Executive shall serve a copy thereof on every person on whom a notice was served by it of its intention to submit the order to the Department for confirmation.

9. When a clearance order has become operative, the owner of any building to which the order applies shall take down and remove that building before the expiration of 6 weeks from the date on which the building is required by the order to be vacated, or, if it is not vacated until after that date, before the expiration of 6 weeks from the date on which it is vacated, or in either case, before the expiration of such longer period as in the circumstances the Executive may deem reasonable; and, if the building is not taken down and removed before the expiration of that period, the Executive shall enter and take down and remove the building and sell the materials thereof.

10. Any expenses incurred by the Executive under paragraph 9, after giving credit for any amount realised by the sale of materials, may be recovered by it as a debt in the county court from the owner of the building, or, if there is more than one owner, from the owners thereof in such shares as the court may determine to be just and equitable.

11. Any surplus in the hands of the Executive shall be paid by it to the owner of the building or, if there is more than one owner, shall be paid as those owners may agree, or may, in default of agreement, be paid into the county court, and may be paid out to the owners by order of the court in such shares as the court may determine to be just and equitable.

PART II

ORDERS EXCLUDING BUILDINGS FROM A CLEARANCE AREA

12.—(1) Paragraphs 2 to 6 shall have effect in relation to exclusion orders under Article 34 subject to the modifications set out in sub-paragraphs (2) to (4).

(2) An exclusion order shall be in the prescribed form and shall describe by reference to a map—

- (a) the clearance area to which it relates,
- (b) the area affected by the clearance order to which it relates, and
- (c) the houses and other buildings to be excluded from the clearance area by it.

(3) For the purposes of sub-paragraph (1), a notice served under paragraph 2(1)(b) shall also draw attention to the provisions of paragraphs 13 to 17 which come into effect on the making of the exclusion order.

(4) For the purposes of sub-paragraph (1), paragraph 4(2) shall have effect as if at the end the following words were added—

“except that the Department may under this paragraph modify an exclusion order so as to exclude a house or other building, which has been included in a clearance order, if every owner of the building and the occupier of every part of the building, has given his consent in writing.”

13. On the date on which an exclusion order is made—

- (a) paragraph 9; and
- (b) so much of the clearance order as relates to the vacation of buildings and any notice served under paragraph 8,

shall cease to apply to the houses and other buildings comprised in the exclusion order.

14.—(1) If—

- (a) the Department notifies the Executive that it declines to confirm the exclusion order; or
- (b) the exclusion order as confirmed does not comprise any houses or other buildings which were comprised in the order as submitted to the Department,

this paragraph shall have effect as regards the houses or other buildings in the unconfirmed order or, as the case may be, the houses or other buildings not comprised in the order as confirmed.

(2) The Executive

- (a) shall fix the date by which the houses or other buildings are to be vacated for the purposes of demolition, and
- (b) may fix different dates for different buildings;

and paragraphs 9 to 11 shall apply as if that date had been fixed for those purposes by the clearance order.

(3) The Executive shall not less than 28 days before the date (or the earliest date) fixed under sub-paragraph (2) serve on the owner or owners of the houses or other buildings a notice informing them of that date and of their duty under paragraph 9 as applied by this paragraph to demolish the houses or other buildings.

15.—(1) After the making of an exclusion order the right to any payment under^{F8} Article 91] shall be suspended as respects the houses or other buildings comprised in the order, but

- (a) if the Department notifies the Executive that it declines to confirm the order, that right shall again be enforceable, and

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- (b) if the order as confirmed does not comprise a house or building which was comprised in the order as submitted to the Department, that right shall again be enforceable in relation to the house or other building not comprised in the order as confirmed.

F8 1992 NI 15

Schedule 5 rep. by 1983 NI 15

Schedule 6—Modifications

Schedule 7 rep. with saving by 1992 NI 15

Schedules 7A, 8, 9 rep. by 1992 NI 15

SCHEDULE 10

Article 154(1).

INSTITUTIONS RECOGNISED FOR PURPOSES OF ARTICLE 153

PART I

LENDING INSTITUTIONS

[^{F9}1. Building Societies.]

F9 1986 c. 53

2. District councils.

Para. 3 rep. by 1985 c. 58

4. The following bodies, namely—

- (a) companies which have satisfied the Department of Commerce that they ought to be treated as a banking company or as a discount company for the purpose of the Protection of Depositors Act (Northern Ireland) 1964 , and

[^{F10}(b) institutions authorised under the Banking Act 1987.]

F10 1987 NI 22

5. Insurance companies to which Part II of the Insurance Companies Act 1974 applies.

6. Friendly societies and branches thereof if registered under the^{F11} Friendly Societies Act (Northern Ireland) 1970 or under the Friendly Societies Act 1974 .

F11 see 1982 c. 40 sch. 22 Pt. II

7. The Northern Ireland Housing Executive.

[^{F12}7A.—(i) Abbey Life Executive Mortgages Limited

(ii) Abbey Life Funding Limited

(iii) Abbey Life Home Loans Limited

(iv) Abbey Life Home Service Limited

(v) Abbey Life Mortgage Finance Limited

(vi) Abbey Life Mortgage Loans Limited

(vii) Abbey Life Mortgage Securities Limited

(viii) Abbey Life Residential Loans Limited

(ix) Abbey Life Homebuy Limited

[
^{F13}(x) CIS Mortgage Maker Limited]

[
^{F14}(xi) Halifax Loans Limited]]

F12 SR 1988/350

F13 SR 1989/327

F14 SR 1990/195

PART II

SAVINGS INSTITUTIONS

8. Any of the recognised lending institutions specified in paragraphs 1, 3, 4 and 6.

9. The Director of Savings.

10. The Department of Finance.

11. The Post Office.

12. Any savings institution recognised for purposes of section 1 of the Home Purchase Assistance and Housing Corporation Guarantee Act 1978 [^{F15} or section 446 of the Housing Act 1985].

F15 1985 c. 71

[^{F16}13. Strabane Credit Union Limited.]

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F16 SR 1983/429

[^{F17}**14.** Dungannon Credit Union Limited.]

F17 SR 1984/409

[^{F18}**15.** Keady Credit Union Limited.]

F18 SR 1984/409

[^{F19}**16.** Newry Credit Union Limited]

F19 SR 1986/19

[^{F20}**17.** Termonmaguirk Credit Union Limited.]

F20 SR 1986/19

Schedule 11—Amendments

SCHEDULE 12

Article 163(2).

SAVINGS AND TRANSITIONAL PROVISIONS

1. The repeal by this Order of sections 10, 11 and 16(4) to (6) of the Housing Executive Act (Northern Ireland) 1971 shall not affect prejudicially the rights of any person transferred to the employment of the Executive by that Act.

Para. 2 rep. by 1983 NI 15

3. The repeal of Article 31 of the Housing (Northern Ireland) Order 1976 and Article 14 of the Housing Finance (Northern Ireland) Order 1977 shall not affect any power or duty of the Department under section 12 of the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946 or section 15 of the Housing Act (Northern Ireland) 1963 to pay—

- (a) contributions to any housing association in respect of a housing scheme approved by the Department before 10th November 1976; or
- (b) any annual contributions which the Department may have determined to make before that date.

4.—(1) Notwithstanding the repeal by this Order of Article 15 of the Housing (Northern Ireland) Order 1978, a district council or, as the case may be, the Department shall not pay a grant under any of the following enactments, namely—

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- (a) section 1 of the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946;
- (b) sections 6 and 15 of the Housing (No. 2) Act (Northern Ireland) 1946 ; and
- (c) sections 1, 4 and 11 of the Housing on Farms Act (Northern Ireland) 1972;

unless—

- (i) application for grant under those enactments was submitted on or before 31st March 1978, and
- (ii) the new house to which the application relates is completed on or before 31st March 1981.

(2) In sub-paragraph (1)—

“applications” include housing schemes and plans and specifications submitted for the approval of a district council;

“completed”, in relation to a new house provided in pursuance of a scheme under section 1(1) of the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1946, means “let”; and

“grant” includes “contribution”.

5. For the purpose of allowing an application for an improvement grant, an intermediate grant, or a repairs grant to be made notwithstanding that some of the works specified therein were specified in an application made before 10th November 1976 for an improvement grant or a standard grant under Part I of the Housing Act (Northern Ireland) 1971 , or a grant under Part III of the Housing on Farms Act (Northern Ireland) 1972 , the Executive, or, as the case may be, the Department shall allow that application to be withdrawn, whether or not it has been approved, unless it is satisfied that the works specified in the application have been begun.

6. Notwithstanding the repeal of Article 1(3) of the Housing (Northern Ireland) Order 1976 , the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland) 1956 may continue to be cited as the Housing Act (Northern Ireland) 1956 in any statutory provision, instrument or document.

Schedule 13—Repeals

Status:

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

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