
STATUTORY INSTRUMENTS

1988 No. 1990

The Housing (Northern Ireland) Order 1988

PART III

MISCELLANEOUS PROVISIONS

Arts. 18#24 rep. by 1992 NI 15

Amendments of the Order of 1981

Financing the Executive

25.—(1) In Article 15 of the Order of 1981—

(a) for paragraphs (1) and (2) there shall be substituted the following paragraphs—

“(1) The Department of Finance and Personnel may make advances to the Executive of such amounts and on such terms as that Department thinks fit.

(2) Subject to paragraph (3), there shall be issued out of the Consolidated Fund such sums as are necessary to enable the Department of Finance and Personnel to make advances under paragraph (1), and for the purpose of providing such issues the Department of Finance and Personnel may borrow money.” ;

(b) after paragraph (3) there shall be added the following paragraph—

“(4) In paragraph (3)—

(a) the reference to sums issued under paragraph (2) includes sums issued under that paragraph as it had effect before the day of the coming into operation of Article 25 of the Housing (Northern Ireland) Order 1988, and

(b) the reference to advances made under paragraph (1) includes advances made under that paragraph as it had effect before that day.” .

(2) In Article 16(1) of the Order of 1981, after the word “with” there shall be inserted the words “the consent of the Department and with” .

Re#development areas

26. In Article 47 of the Order of 1981, after paragraph (1) there shall be inserted the following paragraph—

“(1A) In relation to paragraph (1)(a) land is used for housing purposes if there is on the land a building constructed or adapted for housing purposes, whether or not the building is for the time being used or capable of being used for those purposes.” .

Transfer of Executive's mortgages

27. After Article 88 of the Order of 1981 there shall be inserted the following Articles—

“Transfer of mortgages by the Executive

88A.—(1) The Executive shall not dispose of its interest as mortgagee of land without the prior written consent of the mortgagor (or, if there is more than one mortgagor, of all of them) specifying the name of the person to whom the interest is to be transferred.

(2) Consent given for the purposes of this Article—

- (a) may be withdrawn by notice in writing to the Executive at any time before the instrument effecting the disposal is made, and
- (b) ceases to have effect if the instrument effecting the disposal is not made within six months after it is given;

and if consent is withdrawn or ceases to have effect, the Executive shall return to the mortgagor any document in its possession by which he gave his consent.

(3) A disposal made without the consent required by this Article is void, subject to paragraph (4).

(4) If consent has been given and the Executive certifies in the instrument effecting the disposal that it has not been withdrawn or ceased to have effect, the disposal is valid notwithstanding that consent has been withdrawn or ceased to have effect.

(5) In such a case any person interested in the equity of redemption may, within six months of the disposal, by notice in writing served on the Executive, require the Executive, the transferee and any person claiming under the transferee to undo the disposal, on such terms as may be agreed between them or determined by the county court, and execute any documents and take any other steps necessary to vest back in the Executive the interest disposed of by it to the transferee.

(6) Without prejudice to Article 10, the Department may direct the Executive—

- (a) to give to a mortgagor whose consent is sought such information as the Department may direct;
- (b) as to the form of the document by which a mortgagor's consent is to be obtained;
- (c) to secure that notice of the fact that the disposal has been made is given to the mortgagor, and
- (d) as to the form of that notice and the period (being a period of not less than 28 days from the date of the disposal) within which that notice must be given.

(7) Paragraph 2 of Part II of Schedule 5 to the Land Registration Act (Northern Ireland) 1970^{F1} (Registrar of Titles to note certain restrictive provisions) shall not apply in relation to this Article or Article 88B.

Certain transfers to require Department's approval

88B.—(1) The Executive shall not, in the following circumstances, dispose of its interest as mortgagee of land, without the approval of the Department.

(2) The circumstances are that, under the terms of the disposal or of any arrangement entered into in connection with the disposal—

- (a) any benefits or burdens of the mortgagee are retained by, or transferred to, the Executive, or
- (b) the transferee can call on the Executive to re#acquire any interest transferred or to redeem the mortgage, or
- (c) the consideration for the transfer is other than a cash sum determined at the date of the transfer, or

- (d) the transfer is carried out in consideration of some other transaction or the Executive may be required to enter into an agreement with a third party.
- (3) The Department may by regulations amend paragraph (2) or provide for other circumstances in which the disposal by the Executive of its interest as mortgagee of land requires the approval of the Department.”.

F1 1970 c. 18 (NI)

Art. 28 rep. by 1992 NI 15

Other provisions

Scheme for purchase of evacuated dwellings

29.—(1) The Executive shall submit to the Department a scheme making provision for the Executive to acquire by agreement houses owned by persons 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 scheme submitted under paragraph (1) may include provision as to—

- (a) the circumstances in which the Executive may acquire a house under the scheme;
- (b) the manner in which the purchase price is to be determined;
- (c) the fittings which the Executive may purchase when acquiring a house under the scheme;
- (d) the disposal of such houses; and
- (e) such other matters as the Executive considers appropriate.

(3) A scheme submitted under paragraph (1) shall provide that, where any part of a house is used for purposes other than those of a dwelling, the Executive shall not acquire the house under the scheme, except with the consent of the Department.

(4) A scheme submitted under paragraph (1) may provide that where—

- (a) the Executive is to acquire a house under the scheme, and
- (b) there is land contiguous to that house which is not part of the curtilage of the house,

the Executive may, with the consent of the Department, acquire that land.

(5) Paragraph (2) shall apply in relation to provision made under paragraph (4) in respect of land in the same manner as it applies to provision made under paragraph (1) in respect of houses.

(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) In this Article “house” has the meaning given in Article 2(2) of the Order of 1981.

(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).

[^{F2}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).]

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Scheme for emergency house repairs

30.—(1) The Executive shall submit to the Department a scheme making provision for the Executive to carry out as a matter of urgency repairs to houses damaged—

- (a) in consequence of civil disturbance, or
 - (b) in such other circumstances as the Department may specify in an order made subject to negative resolution.
- (2) A scheme submitted under paragraph (1) may include provision as to—
- (a) the classes of houses to which the scheme applies;

- (b) the nature of the repairs to be carried out by the Executive under the scheme; and
- (c) the terms on which the repairs are to be carried out.

(3) Paragraphs (6) to (8) of Article 29 shall apply in relation to a scheme made under this Article in the same manner as those provisions apply in relation to a scheme made under that Article.

(4) 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)(a).

Changes to legislation:

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1988, PART III.