



# Housing (Amendment) Act (Northern Ireland) 2010

2010 CHAPTER 9

An Act to amend the law relating to housing.

[13th April 2010]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

## *Homelessness*

### **Homelessness strategy**

1. After Article 6 of the Order of 1988 (becoming homeless intentionally) and before the cross-heading immediately preceding Article 7 insert—

*“Executive to publish homelessness strategy  
and provide advice about homelessness*

### **Duty of Executive to formulate a homelessness strategy**

6A.—(1) The Executive may formulate and publish a homelessness strategy.

(2) The Regional Agency and the Regional Board shall give such assistance in connection with the exercise of the power under paragraph (1) as the Executive may reasonably require.

(3) The Executive shall exercise that power so as to ensure that the first homelessness strategy is published within the period of 12 months

beginning with the day on which section 1 of the Housing (Amendment) Act (Northern Ireland) 2010 comes into operation.

(4) The Executive shall exercise that power so as to ensure that a new homelessness strategy is published within the period of 5 years beginning with the day on which its last homelessness strategy was published.

(5) The following shall take the homelessness strategy into account in the exercise of their functions—

- (a) the Executive;
- (b) the Regional Board;
- (c) Health and Social Care trusts;
- (d) education and library boards;
- (e) registered housing associations;
- (f) district councils;
- (g) the Secretary of State (in relation to any function exercisable in connection with prisons in Northern Ireland);
- (h) the Probation Board for Northern Ireland;
- (i) the Department of Education;
- (j) the Department for Employment and Learning;
- (k) the Department of Health, Social Services and Public Safety;
- (l) the Department for Social Development.

(6) Nothing in paragraph (5) affects any duty or requirement arising apart from this Article.

### **Homelessness strategy**

**6B.**—(1) For the purposes of this Order “homelessness strategy” means a strategy for—

- (a) preventing homelessness in Northern Ireland;
- (b) securing that sufficient accommodation is and will be available for people in Northern Ireland who are or may become homeless;
- (c) securing the satisfactory provision of advice and assistance for people in Northern Ireland—
  - (i) who are or may become homeless; or
  - (ii) who have been homeless and need advice and assistance to prevent them becoming homeless again.

(2) A homelessness strategy may include specific objectives to be pursued, and specific action planned to be taken, in the course of the exercise of—

- (a) the functions of the Executive;
- (b) the functions of the Regional Board; or
- (c) the functions of Health and Social Care trusts.

(3) A homelessness strategy may also include provision relating to specific action which the Executive expects to be taken—

- (a) by any statutory body with functions (not being functions mentioned in paragraph (2)) which are capable of contributing to the achievement of any of the objectives mentioned in paragraph (1); or
- (b) by any voluntary organisation or other person whose activities are capable of contributing to the achievement of any of those objectives.

(4) The inclusion in a homelessness strategy of any provision relating to action mentioned in paragraph (3) requires the approval of the body or person concerned.

(5) In formulating a homelessness strategy the Executive shall consider (among other things) the extent to which any of the objectives mentioned in paragraph (1) can be achieved through action involving two or more of the bodies or other persons mentioned in paragraphs (2) and (3).

(6) The Executive shall keep its homelessness strategy under review and may modify it.

(7) If the Executive modifies its homelessness strategy, it shall publish the modifications or the strategy as modified (as it considers most appropriate).

(8) Before adopting or modifying a homelessness strategy the Executive shall consult such statutory bodies, voluntary organisations or other persons as it considers appropriate.

(9) The Executive shall—

- (a) make a copy of everything published under Article 6A or this Article available at its district offices for inspection at all reasonable hours, without charge, by members of the public; and
- (b) provide (on payment, if required by the Executive, of a reasonable charge) a copy of anything so published to any member of the public who asks for one.

#### **Articles 6A and 6B: interpretation**

**6C.** In Articles 6A and 6B—

“the Regional Agency” means the Regional Agency for Public Health and Social Well-being established under section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;

“the Regional Board” means the Regional Health and Social Care Board established under section 7 of that Act;

“registered housing association” means a registered housing association within the meaning of Part 2 of the Housing (Northern Ireland) Order 1992;

“voluntary organisation” means a body which is not a statutory body and whose activities are carried on otherwise than for profit.”

### **Duty of Executive to provide advice**

2. After Article 6C of the Order of 1988 (inserted by section 1) insert—

#### **“Duty of the Executive to provide advice**

**6D.**—(1) The Executive shall secure that advice about homelessness, and the prevention of homelessness, is available free of charge to any person in Northern Ireland.

(2) The Executive may give to any person by whom such advice is provided on behalf of the Executive assistance by way of grant or loan.

(3) The Executive may also assist any such person—

- (a) by permitting him to use premises belonging to the Executive,
- (b) by making available furniture or other goods, whether by way of gift, loan or otherwise, and
- (c) by making available the services of staff employed by the Executive.

(4) In relation to the form and content of advice under paragraph (1) the Executive shall have regard to any guidance issued by the Department.”

### **Eligibility for housing assistance**

3.—(1) Article 7A of the Order of 1988 (persons not eligible for housing assistance) shall be amended as follows.

(2) In paragraph (5) for the words “an applicant” substitute “a person”.

(3) At the end add—

“(9) Where the Executive decides that a person—

- (a) is ineligible for assistance under this Part by virtue of paragraph (1) (a) or (b), or

- (b) is to be treated as ineligible for assistance under this Part by virtue of paragraph (5),

the Executive shall notify him of the decision and the reasons for that decision.

(10) The notice required to be given to a person under paragraph (9) shall be given in writing and shall, if not received by the person, be treated as given to the person only if it is made available for a reasonable period at the office of the Executive to which the person applied, for collection by or on behalf of the person.”.

#### **Power of the Department to prescribe form of advice and assistance**

4.—(1) The Order of 1988 shall be amended as follows.

(2) In Article 10 (duties to persons found to be homeless)—

- (a) in paragraph (3)(b) for the words from “furnish” to “circumstances” substitute “provide the applicant with advice and assistance of such type as may be prescribed by the Department”;
- (b) in paragraph (4) for the words from “furnish” to “circumstances” substitute “provide the applicant with advice and assistance of such type as may be prescribed by the Department”;
- (c) at the end add—

“(6) In this Article and in Article 11 “prescribed” means prescribed by regulations subject to negative resolution.”.

(3) In Article 11(3) (duties to persons found to be threatened with homelessness) for the words from “furnish” to “circumstances” substitute “provide the applicant with advice and assistance of such type as may be prescribed by the Department”.

#### **Reviews of decisions in relation to homelessness**

5.—(1) After Article 11 of the Order of 1988 (duties to persons found to be threatened with homelessness) insert—

*“Right to request review of decision*

#### **Right to request review of decision**

11A.—(1) An applicant has the right to request a review of any decision of the Executive—

- (a) as to the applicant’s eligibility for assistance under this Part;

(b) as to what duty (if any) is owed to the applicant under Articles 10 (duties to persons found to be homeless) and 11 (duties to persons found to be threatened with homelessness);

(c) as to the suitability of accommodation offered to the applicant in discharge of the Executive's duty under either of those Articles.

(2) There is no right to request a review of the decision reached on an earlier review.

(3) A request for review must be made before the end of the period of 28 days beginning with the day on which the applicant is notified of the Executive's decision or such longer period as the Executive may in writing allow.

(4) On a request being duly made to it, the Executive shall review its decision.

(5) Where the Executive gives a person notice of a decision mentioned in paragraph (1) it shall also inform that person—

(a) of the right to request a review of the decision and of the time within which such a request must be made;

(b) of the effect of Articles 8(3) and 11C(5).

#### **Procedure on a review**

**11B.**—(1) The Department may make provision by regulations as to the procedure to be followed in connection with a review under Article 11A.

Nothing in the following provisions affects the generality of this power.

(2) Provision may be made by regulations—

(a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and

(b) as to the circumstances in which the applicant is entitled to an oral hearing, and whether and by whom the applicant may be represented at such a hearing.

(3) The Executive shall notify the applicant of the decision on the review.

(4) If the decision is to confirm the original decision on any issue against the interests of the applicant, the Executive shall also notify the applicant of the reasons for the decision.

(5) In any case the Executive shall inform the applicant of the right to appeal to the county court on a point of law, and of the period within which such an appeal must be made (see Article 11C).

(6) Notice of the decision shall not be treated as given unless and until paragraph (5), and where applicable paragraph (4), is complied with.

(7) Provision may be made by regulations as to the period within which the review must be carried out and notice given of the decision.

(8) The notice required to be given to a person under this Article shall be given in writing and shall, if not received by the person, be treated as given to the person only if it is made available for a reasonable period at the office of the Executive to which the person applied, for collection by or on behalf of that person.

(9) Regulations under this Article are subject to negative resolution.

### **Right of appeal to a county court on a point of law**

**11C.**—(1) If an applicant who has requested a review under Article 11A —

- (a) is dissatisfied with the decision on the review, or
- (b) is not notified of the decision on the review within the time prescribed by regulations under Article 11B,

the applicant may appeal to the county court on any point of law arising from the decision or, as the case may be, the original decision.

(2) An appeal must be brought within 28 days of the applicant's being notified of the decision or, as the case may be, of the date on which the applicant should have been notified of a decision on review.

(3) The court may give leave for an appeal to be brought after the end of the period allowed by paragraph (2), but only if it is satisfied—

- (a) where leave is sought before the end of that period, that there is a good reason for the applicant to be unable to bring the appeal in time; or
- (b) where leave is sought after that time, that there was a good reason for the applicant's failure to bring the appeal in time and for any delay in applying for leave.

(4) On appeal the court may make such order confirming, quashing or varying the decision as it thinks fit.

(5) Where the Executive was under a duty under Article 8(1) or 10(3) to secure that accommodation is available for the applicant's occupation it may secure that accommodation is so available—

- (a) during the period for appealing under this Article against the Executive's decision, and
- (b) if an appeal is brought, until the appeal (and any further appeal) is finally determined.

### **Article 11C(5): appeals**

**11D.**—(1) This Article applies where an applicant has the right to appeal to the county court against the Executive's decision on a review.

- (2) If the applicant is dissatisfied with a decision by the Executive—
- (a) not to exercise its power under Article 11C(5) in relation to the applicant’s case,
  - (b) to exercise its power under Article 11C(5) for a limited period ending before the final determination by the county court of the applicant’s appeal under Article 11C(1) (“the main appeal”), or
  - (c) to cease exercising its power before that time,
- the applicant may appeal to the county court against the decision.
- (3) An appeal under this Article may not be brought after the final determination by the county court of the main appeal.
- (4) On an appeal under this Article the court—
- (a) may order the Executive to secure that accommodation is available for the applicant’s occupation until the determination of the appeal (or such earlier time as the court may specify), and
  - (b) shall confirm or quash the decision appealed against,
- and in considering whether to confirm or quash the decision the court shall apply the principles applied by the High Court on an application for judicial review.
- (5) If the court quashes the decision it may order the Executive to exercise its power under Article 11C(5) in the applicant’s case for such period as may be specified in the order.
- (6) An order under paragraph (5)—
- (a) may only be made if the court is satisfied that failure to exercise any power under Article 11C(5) in accordance with the order would substantially prejudice the applicant’s ability to pursue the main appeal;
  - (b) may not specify any period ending after the final determination by the county court of the main appeal.

*Supplementary provisions”.*

- (2) Renumber Article 8 of the Order of 1988 (interim duty to accommodate in case of apparent priority need) as paragraph (1) of that Article and after that paragraph insert—

“(2) The duty under paragraph (1) ceases when the Executive’s decision is notified to the applicant even if the applicant requests a review of that decision under Article 11A.

(3) But the Executive may secure that accommodation is available for the applicant’s occupation pending a decision on the review.”.



*Registered housing associations*

**Power to obtain information from registered housing associations**

**6. In the Order of 1992 for Article 21 substitute—**

**“General power to obtain information**

**21.—(1)** The Department may for any purpose connected with the discharge of any of its functions in relation to registered housing associations serve a notice on a person requiring him—

- (a) to give to the Department, at a time and place and in the form and manner specified in the notice, such information relating to the affairs of a registered housing association as may be specified or described in the notice, or
- (b) to produce to the Department or a person authorised by the Department, at a time and place specified in the notice, any documents relating to the affairs of the registered housing association which are specified or described in the notice and are in his custody or under his control.

(2) A notice under this Article may be served on—

- (a) a registered housing association,
- (b) any person who is, or has been, an officer, member, employee or agent of a registered housing association,
- (c) a subsidiary or associate of a registered housing association,
- (d) any person who is, or has been, an officer, member, employee or agent of a subsidiary or associate of a registered housing association, or
- (e) any other person who the Department has reason to believe is or may be in possession of relevant information.

(3) No notice shall be served on a person within sub-paragraphs (b) to (e) of paragraph (2) unless—

- (a) a notice has been served on the registered housing association and has not been complied with, or
- (b) the Department believes that the information or documents in question are not in the possession of the housing association.

(4) Nothing in this Article authorises the Department to require—

- (a) the disclosure of anything which a person would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in the High Court, or

(b) the disclosure by a banker of anything in breach of any duty of confidentiality owed by him to a person other than a registered housing association or a subsidiary or associate of a registered housing association.

(5) A notice under this Article shall be given in writing.

(6) References in this Article to a document are to anything in which information of any description is recorded; and in relation to a document in which information is recorded otherwise than in legible form, references to producing it are to producing it in legible form.

(7) Where by virtue of this Article documents are produced to any person, he may take copies of or make extracts from them.

(8) In this Article—

“agent” has the meaning given in Article 23(8); and

“associate” and “subsidiary” have the same meanings as in Article 23.

#### **Enforcement of notice to provide information, &c.**

**21A.**—(1) A person who without reasonable excuse fails to do anything required of him by a notice under Article 21 commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) A person who intentionally alters, suppresses or destroys a document which he has been required by a notice under Article 21 to produce commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum,

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or both.

(3) Proceedings for an offence under paragraph (1) or (2) may be brought only by, or with the consent of, the Director of Public Prosecutions for Northern Ireland or the Department.

(4) If a person makes default in complying with a notice under Article 21, the High Court may, on the application of the Department, make such order as the court thinks fit for requiring the default to be made good.

(5) Any such order may provide that all the costs or expenses of, and incidental to, the application shall be borne by the person in default or by any officers of a body who are responsible for its default.

#### **Disclosure of information to the Department**

**21B.**—(1) A body or person to whom this Article applies may, subject to the following provisions, disclose to the Department, for the purpose

of enabling the Department to discharge any of its functions relating to registered housing associations, any information received by that body or person under or for the purposes of any statutory provision.

(2) This Article applies to the following bodies and persons—

- (a) any government department (including a department of the Government of the United Kingdom);
- (b) any district council;
- (c) any constable; and
- (d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).

(3) This Article has effect subject to any express restriction on disclosure imposed by or under any other statutory provision.

(4) Nothing in this Article shall be construed as affecting any power of disclosure exercisable apart from this Article.

#### **Disclosure of information by the Department**

**21C.**—(1) The Department may disclose to a body or person to whom this Article applies any information received by it relating to a registered housing association—

- (a) for any purpose connected with the discharge of the functions of the Department in relation to such housing association, or
- (b) for the purpose of enabling or assisting that body or person to discharge any of its or his functions.

(2) This Article applies to the following bodies and persons—

- (a) any government department (including a department of the Government of the United Kingdom);
- (b) any district council;
- (c) any constable; and
- (d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).

(3) Where any information disclosed to the Department under Article 21B is so disclosed subject to any express restriction on the further disclosure of the information, the Department's power of disclosure under this Article is exercisable subject to that restriction.

(4) A person who discloses information in contravention of any such restriction commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Any information disclosed by the Department under this Article may be subject by the Department to any express restriction on the further disclosure of the information.

(6) A person who discloses information in contravention of any such restriction commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) Proceedings for an offence under paragraph (6) may be brought only by, or with the consent of, the Director of Public Prosecutions for Northern Ireland or the Department.

(8) Nothing in this Article shall be construed as affecting any power of disclosure exercisable apart from this Article.”.

#### **Restriction on inquiry into affairs of registered housing associations by persons associated with the Executive**

7. In Article 23(2) of the Order of 1992 (inquiries into affairs of registered housing associations) after the words “of the Department” insert “or a member or employee of the Executive”.

#### **Department’s powers in cases of misconduct or mismanagement of registered housing associations**

8. In Article 25 of the Order of 1992 (Department’s power to act for protection of registered housing associations) after paragraph (3) insert—

“(3A) If, at any time after the commencement of an inquiry under Article 23 or an audit under Article 24, the Department has reasonable grounds to believe —

- (a) that there has been misconduct or mismanagement as mentioned in paragraph (1) in the administration of a registered housing association, and
- (b) that immediate action is needed to protect the interests of the tenants of the registered housing association or to protect the assets of the association,

the Department may at that time exercise any of the powers conferred by sub-paragraphs (b) to (d) of paragraph (1).”.

#### *Introductory tenancies*

#### **Abandonment of introductory tenancies**

9.—(1) The Order of 2003 shall be amended as follows.

(2) At the beginning of Article 9(1) (proceedings for possession) insert “Subject to Article 19A(4).”.

(3) After Article 19 (consultation on matters of housing management) and before the cross-heading immediately preceding Article 20 insert—

*“Abandonment of introductory tenancies*

**Rights of landlord where introductory tenancy appears to have been abandoned**

**19A.—**(1) Where the landlord under an introductory tenancy has reasonable grounds for believing that—

- (a) the dwelling-house is unoccupied, and
- (b) the tenant does not intend to occupy it as his home,

the landlord shall be entitled to enter the dwelling-house at any time for the purpose of making safe the dwelling-house and any fittings, fixtures or furniture.

(2) For the purposes of paragraph (1) the landlord and its servants or agents may open, by force if necessary, any door or window of the dwelling-house.

(3) Where the landlord—

- (a) has entered a dwelling-house under paragraph (1), and
- (b) wishes to take possession of the dwelling-house,

the landlord shall serve on the tenant a notice in the prescribed form—

- (i) stating that it has reason to believe that the dwelling-house is unoccupied and that the tenant does not intend to occupy it as his home;
- (ii) requiring the tenant to inform it in writing within 4 weeks of service of the notice if the tenant intends to occupy the dwelling-house as his home; and
- (iii) informing the tenant that, if it appears to the landlord at the end of that period of 4 weeks that the tenant does not intend so to occupy the dwelling-house, the introductory tenancy will be terminated forthwith.

(4) Where the landlord has—

- (a) served on the tenant a notice which complies with paragraph (3), and
- (b) made such inquiries as may be necessary to satisfy the landlord that the dwelling-house is unoccupied and that the tenant does not intend to occupy it as his home,

and at the end of the period of 4 weeks mentioned in paragraph (3) is so satisfied, it may serve a further notice on the tenant which shall bring the tenancy to an end forthwith.

(5) Where a tenancy has been terminated under paragraph (4) the landlord shall be entitled to take possession of the dwelling-house forthwith without any further proceedings.

(6) The Department may by order make provision for the landlord to ensure the safe custody and delivery to the tenant of any property which is found in a dwelling-house to which this Article applies; and in particular—

- (a) for requiring charges to be paid in respect of such property before it is delivered to the tenant, and
- (b) for authorising the disposal of such property, if the tenant has not arranged for its delivery to the tenant before the expiry of such period as the order may specify and the application of any proceeds towards any costs incurred by the landlord and any rent due but unpaid by the tenant to the landlord.

#### **Tenant's right of appeal against termination of tenancy under Article 19A**

**19B.**—(1) A tenant under an introductory tenancy who is aggrieved by termination of the tenancy by the landlord under Article 19A may appeal to the court within 6 months after the date of the termination.

(2) Paragraph (3) or (as the case may require) paragraph (4) applies if in proceedings under paragraph (1) it appears to the court that—

- (a) the landlord has failed to comply with any provision of Article 19A, or
  - (b) the landlord did not have reasonable grounds for finding that the dwelling-house was unoccupied, or did not have reasonable grounds for finding that the tenant did not intend to occupy it as his home, or
  - (c) the landlord was in error in finding that the tenant did not intend to occupy the dwelling-house as his home, and the tenant had reasonable cause, by reason of illness or otherwise, for failing to notify the landlord of the intention so to occupy it.
- (3) Where the dwelling-house has not been let to a new tenant, then —
- (a) if the trial period has not expired, the court shall make an order that the introductory tenancy shall continue;
  - (b) if the trial period has expired, the court shall make an order that the dwelling house be let as a secure tenancy to the tenant.
- (4) In any other case, the court shall direct the landlord to make other suitable accommodation available to the tenant.

(5) Part 2 of Schedule 3 to the Order of 1983 shall have effect to determine whether accommodation is suitable for the purposes of paragraph (4).”.

(4) In Article 148(3)(b) (orders and regulations) after the word “regulations” insert “(other than regulations under Article 19A(3))”.

(5) In Part 2 of Schedule 3 to the Order of 1983 (suitability of accommodation)—

(a) after paragraph 1 insert—

“**1A.** For the purposes of Article 19B of the Housing (Northern Ireland) Order 2003, accommodation is suitable if it consists of premises which are to be let as a separate dwelling under an introductory tenancy (within the meaning of Article 6 of that Order) and, in the opinion of the court, the accommodation is reasonably suitable to the needs of the tenant and the tenant’s family.”;

(b) in paragraph 2(e) and (f) omit the word “secure”.

#### *Anti-social behaviour*

#### **Anti-social behaviour: Executive’s policies and procedures**

**10.** After Article 27 of the Order of 2003 (meaning of “harm”) and before the Part heading immediately preceding Article 28 insert—

#### **“Anti-social behaviour: Executive’s policies and procedure**

**27A.**—(1) The Executive must not later than 6 months after the coming into operation of section 10 of the Housing (Amendment) Act (Northern Ireland) 2010 publish a statement of—

- (a) its policy in relation to anti-social behaviour, and
- (b) its procedures for dealing with occurrences of anti-social behaviour,

in relation to residential premises in respect of which it exercises management functions (within the meaning of Article 8A(8) of the Order of 1981).

(2) The Executive must keep its policy and procedures under review and, when it thinks appropriate, publish a revised statement.

(3) A copy of a statement published under paragraph (1) or (2)—

- (a) must be available for inspection at all reasonable hours at each district office of the Executive;
- (b) must be provided on payment of a reasonable fee to any person who requests it.

(4) The Executive must also—

- (a) prepare a summary of its current policy and procedures;

(b) provide without charge a copy of the summary to any person who requests it.

(5) In preparing and reviewing its policy and procedures the Executive must have regard to guidance issued by the Department.

(6) In this Article—

“anti-social behaviour” means—

(a) any conduct specified in Article 26(1)(a); or

(b) the use or threatened use of residential premises for any of the purposes specified in Article 26(1)(b);

“residential premises” means residential premises to which Article 26 applies.”.

### **Grounds for possession: nuisance or annoyance to neighbours, &c.**

**11.** In Ground 2 in Part 1 of Schedule 3 to the Order of 1983 (nuisance or annoyance to neighbours, &c.) at the beginning of paragraph (b)(i) insert the words “an offence involving”.

### *Miscellaneous*

### **Increase in Housing Council representation on Executive**

**12.** In paragraph 1(1) of Schedule 1 to the Order of 1981 (the Northern Ireland Housing Executive) for the word “three” substitute “4”.

### **Amendment of Article 13(6) of the Order of 1992**

**13.** In Article 13(6) of the Order of 1992 (disposal of land, etc.) for the words “paragraphs 1(b) to 9” substitute “paragraphs 1(b) to 10”.

### **Definition of “house in multiple occupation”**

**14.** In Article 75(1) of the Order of 1992 (meaning of “multiple occupation”) at the end add “and for that purpose “family” includes uncle, aunt, nephew and niece.”.

### **Amendment of Article 35(5) of the Order of 2006**

**15.** In Article 35(5) of the Order of 2006 (tenant’s application to have dwelling-house inspected) for the word “Order” substitute “Article”.



### **Refusal by district council to issue certificate of fitness for human habitation**

**16.** In Article 36(5)(a) of the Order of 2006 (functions of the appropriate district council) for the words “of his application” substitute “to issue a certificate of fitness”.

### **Amendment of Article 55 of the Order of 2006**

**17.** In Article 55 of the Order of 2006 (review of registered rents) at the end add—

“(8) An order under paragraph (5) shall be subject to negative resolution.”.

### *Supplementary*

### **Interpretation**

**18.** In this Act—

“the Order of 1981” means the [Housing \(Northern Ireland\) Order 1981 \(NI 3\)](#);

“the Order of 1983” means the [Housing \(Northern Ireland\) Order 1983 \(NI 15\)](#);

“the Order of 1988” means the [Housing \(Northern Ireland\) Order 1988 \(NI 23\)](#);

“the Order of 1992” means the [Housing \(Northern Ireland\) Order 1992 \(NI 15\)](#);

“the Order of 2003” means the [Housing \(Northern Ireland\) Order 2003 \(NI 2\)](#);

“the Order of 2006” means the [Private Tenancies \(Northern Ireland\) Order 2006 \(NI 10\)](#).

### **Commencement**

**19.—(1)** Sections 1 to 17 shall come into operation on such day or days as the Department for Social Development may by order appoint.

(2) An order under subsection (1) may contain transitional provisions.

### **Short title**

**20.** This Act may be cited as the Housing (Amendment) Act (Northern Ireland) 2010.