
STATUTORY INSTRUMENTS

1992 No. 1725

The Housing (Northern Ireland) Order 1992

CHAPTER III

FINANCIAL ASSISTANCE FOR HOUSING ASSOCIATIONS

[^{F1}Payment of housing association grants by the Executive]

33.—[^{F2}(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) Where—

- (a) a grant under this Article is payable to an association, and
- (b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, some other registered housing association,

this Article (including this paragraph) shall have effect after that time as if the grant, or such proportion of it as is specified or determined under paragraph (5), were payable to that other association.

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(5) The proportion referred to in paragraph (4) is that which, in the circumstances of the particular case—

- (a) the Department, acting in accordance with such principles as it may determine, may specify as being appropriate; or
- (b) the Department may determine to be appropriate.

- F1** Art. 33: heading substituted (1.4.2007) by [Housing \(Amendment\) \(Northern Ireland\) Order 2006 \(S.I. 2006/3337 \(N.I. 22\)\)](#), arts. 1(3), 3, **Sch. para. 3(2)**; S.R. 2007/37, **art. 2**
- F2** Art. 33(1)(1A)(1B)(2)(2A)(2B)(3) substituted (1.4.2007) for art. 33(1)-(3) by [Housing \(Amendment\) \(Northern Ireland\) Order 2006 \(S.I. 2006/3337 \(N.I. 22\)\)](#), arts. 1(3), 3, **Sch. para. 3(2)**; S.R. 2007/37, **art. 2**

[^{F3}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.]

- F3** Art. 33A inserted (1.4.2007) by [Housing \(Amendment\) \(Northern Ireland\) Order 2006 \(S.I. 2006/3337 \(N.I. 22\)\)](#), arts. 1(3), 3, **Sch. para. 4**; S.R. 2007/37, **art. 2**

Revenue deficit grants

34.—(1) The Department may make a grant to a registered housing association if—

- (a) in relation to all housing activities of the association,
- (b) in relation to housing activities of the association of a particular description, or
- (c) in relation to particular housing activities of the association,

the association's expenditure as calculated by the Department for any period (including a period which is wholly or partly a future period) exceeds its income as so calculated for that period.

(2) In calculating an association's expenditure or income for the purposes of paragraph (1), the Department—

- (a) shall act in accordance with such principles as it may determine; and

(b) may act on such assumptions (whether or not borne out or likely to be borne out by events) as it may determine.

(3) [F4] Paragraphs (4) and (5) of Article 33A] shall apply for the purposes of this Article as they apply for the purposes of that Article.

F4 Words in art. 34(3) substituted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, Sch. para. 5; S.R. 2007/37, art. 2

Recovery, etc. of grants

35.—(1) Where a grant to which this Article applies, that is to say—

(a) a grant under Article 33 [F5, 33A] or 34, or

(b) a grant under Article 137 of the Order of 1981 or any provision replaced by that Article, has been made to a registered housing association, the powers conferred by paragraph (2) are exercisable [F6]by the grantor] in such events (including the association not complying with any conditions) as the Department may determine (in this Article referred to as “relevant events”).

(2) [F7]The grantor], acting in accordance with such principles as [F8]the Department] may determine, may—

(a) reduce the amount of, or of any payment in respect of, the grant;

(b) suspend or cancel any instalment of the grant; or

(c) direct the association to pay to it an amount equal to the whole, or such proportion as it may specify, of the amount of any payment made to the association in respect of the grant, and a direction under sub-paragraph (c) requiring the payment of any amount may also require the payment of interest on that amount in accordance with paragraphs (6) to (8).

(3) Where, after a grant to which this Article applies has been made to an association, a relevant event occurs, the association shall notify [F9]the grantor] and, if so required by written notice of [F9]the grantor], shall furnish it with such particulars of and information relating to the event as are specified in the notice.

(4) Where—

(a) a grant to which this Article applies has been made to an association, and

(b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, some other registered housing association,

this Article (including this paragraph) shall have effect after that time as if the grant, or such proportion of it as is specified or determined under paragraph (5), had been made to that other association.

(5) The proportion referred to in paragraph (4) is that which, in the circumstances of the particular case—

(a) [F10]the grantor], acting in accordance with such principles as [F11]the Department] may determine, may specify as being appropriate; or

(b) [F12]the grantor] may determine to be appropriate.

(6) A direction under paragraph (2)(c) requiring the payment of interest on the amount directed to be paid to [F13]the grantor] shall specify in accordance with paragraph (8)—

(a) the rate or rates of interest (whether fixed or variable) which is or are applicable;

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- (b) the date from which interest is payable, being not earlier than the date of the relevant event; and
- (c) any provision for suspended or reduced interest which is applicable.
- (7) In paragraph (6)(c)—
- (a) the reference to a provision for suspended interest is a reference to a provision whereby, if the amount which is directed to be paid to [F14the grantor] is paid before a date specified in the direction, no interest will be payable for any period after the date of the direction; and
- (b) the reference to a provision for reduced interest is a reference to a provision whereby, if that amount is so paid, any interest payable will be payable at a rate or rates lower than the rate or rates which would otherwise be applicable.
- (8) The matters specified in a direction as mentioned in sub-paragraphs (a) to (c) of paragraph (6) shall be either—
- (a) such as [F15the grantor] , acting in accordance with such principles as [F16the Department] may determine, may specify as being appropriate, or
- (b) such as [F17the grantor] may determine to be appropriate in the particular case.
- [F18(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).]

F5 Word in art. 35(1)(a) inserted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(2)(a)**; S.R. 2007/37, **art. 2**

F6 Words in art. 35(1) inserted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(2)(b)**; S.R. 2007/37, **art. 2**

F7 Words in art. 35(2) substituted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(3)(a)**; S.R. 2007/37, **art. 2**

F8 Words in art. 35(2) substituted (1.4.2007) by The Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(3)(b)**; S.R. 2007/37, **art. 2**

F9 Words in art. 35(3) substituted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(4)**; S.R. 2007/37, **art. 2**

F10 Words in art. 35(5)(a) substituted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(5)(a)(i)**; S.R. 2007/37, **art. 2**

F11 Words in art. 35(5)(a) substituted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(5)(a)(ii)**; S.R. 2007/37, **art. 2**

- F12** Words in art. 35(5)(b) substituted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(5)(b)**; S.R. 2007/37, **art. 2**
- F13** Words in art. 35(6) substituted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(6)**; S.R. 2007/37, **art. 2**
- F14** Words in art. 35(7)(a) substituted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(6)**; S.R. 2007/37, **art. 2**
- F15** Words in art. 35(8)(a) substituted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(7)(a)(i)**; S.R. 2007/37, **art. 2**
- F16** Words in art. 35(8)(a) substituted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(7)(a)(ii)**; S.R. 2007/37, **art. 2**
- F17** Words in art. 35(8)(b) substituted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(7)(b)**; S.R. 2007/37, **art. 2**
- F18** Art. 35(9)(10) added (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 6(8)**; S.R. 2007/37, **art. 2**

Determinations under this Part

36.—(1) A general determination may either—

- (a) make the same provision for all cases; or
- (b) make different provision for different cases or descriptions of cases, including different provision for different areas or for different descriptions of housing associations or housing activities;

and for the purposes of this paragraph descriptions may be framed by reference to any matters whatever, including in particular, in the case of housing activities, the manner in which they are financed.

(2) The Department shall not make a general determination under the foregoing provisions of this Part except with the consent of the Department of Finance and Personnel.

(3) Before making a general determination, the Department shall consult such bodies appearing to it to be representative of housing associations as it considers appropriate; and after making such a determination, the Department shall publish the determination in such manner as it considers appropriate for bringing the determination to the notice of the associations concerned.

(4) In this Article “general determination” means a determination under any provision of Articles 33 to 35, other than a determination relating solely to a particular case.

Surplus rental income

37.—(1) An association to which this Article applies, that is to say, a registered housing association which has at any time received a payment in respect of—

- (a) a grant under Article 33, or
- (b) a grant under Article 137 of the Order of 1981 or any provision replaced by that Article,

(in this Article referred to as a “relevant grant”) shall show separately in its accounts for any period ending on or after the day of the coming into operation of this Part the surpluses arising from increased rental income during that period from such housing activities to which the grant relates as the Department may determine.

(2) The surpluses shall be shown by each association in a fund to be known as its rent surplus fund; and the method of constituting that fund and of showing it in the association's accounts shall be as required by order of the Department under Article 19(1) (requirements as to accounts) and such an order may make provision applying to any period to which this Article applies.

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(3) The surpluses in respect of a period shall be calculated in such manner as the Department may determine; and a determination under this paragraph may provide that, in calculating surpluses, an association shall act on such assumptions (whether or not borne out or likely to be borne out by events) as may be specified in the determination.

(4) A determination under paragraph (1) or (3) may—

- (a) make the same provision for all cases; or
- (b) make different provision for different cases or descriptions of cases, including different provision for different areas or for different descriptions of housing associations or housing activities;

and for the purposes of this paragraph descriptions may be framed by reference to any matters whatever, including in particular, in the case of housing activities, the manner in which they are financed.

(5) Before making a determination under paragraph (1) or (3), the Department shall consult such bodies appearing to it to be representative of housing associations as it considers appropriate; and after making such a determination, the Department shall publish it in such manner as the Department considers appropriate for bringing it to the notice of the associations concerned.

(6) The Department may give notice to an association to which this Article applies requiring it to pay to the Department, with interest if demanded, or to apply or appropriate for purposes the Department specifies, any sums standing in its rent surplus fund at the end of a period of account.

(7) Any interest demanded by such a notice is payable—

- (a) at the rate or rates (whether fixed or variable) previously determined by the Department, with the consent of the Department of Finance and Personnel, for housing associations generally and published by the Department or, if no such determination has been made, at the rate or rates (whether fixed or variable) specified with the consent of the Department of Finance and Personnel in the notice; and
- (b) either from the date of the notice or from such other date, not earlier than the end of the period of account, as may be specified in the notice.

(8) A notice under paragraph (6) demanding interest may with the consent of the Department of Finance and Personnel provide that, if the sums required by the notice to be paid to the Department are paid before a date specified in the notice—

- (a) no interest shall be payable for any period after the date of the notice; and
- (b) any interest payable shall be payable at a rate or rates lower than the rate or rates given by paragraph (7).

(9) The Department may give notice—

- (a) to all associations to which this Article applies,
- (b) to associations to which this Article applies of a particular description, or
- (c) to particular associations to which this Article applies,

requiring them to furnish the Department with such information as the Department may reasonably require in connection with the exercise of its functions under this Article; and a notice under subparagraph (a) or (b) may be given by publication in such manner as the Department considers appropriate for bringing it to the attention of the associations concerned.

(10) Where—

- (a) an association has received a payment in respect of a relevant grant, and
- (b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, some other registered housing association,

this Article (including this paragraph) shall have effect in relation to periods after that time as if the payment, or such proportion of it as may be determined by the Department to be appropriate, had been made to that other association.

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