

STATUTORY INSTRUMENTS

**2003 No. 412**

**The Housing (Northern Ireland) Order 2003**

**PART IV**

**MISCELLANEOUS AMENDMENTS**

**CHAPTER I**

**AMENDMENTS OF THE RENT (NORTHERN IRELAND) ORDER 1978**

**Transfer of duty to keep register of rents**

**121.—(1)** <sup>F1</sup> .....

*Para. (2)—Amendments*

**F1** Art. 121(1) repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, [Sch. 5](#); S.R. 2006/428, [art. 3\(b\)\(c\)](#)

**Institution of proceedings for offences with respect to rent books**

**122.** <sup>F2</sup> .....

**F2** Art. 122 repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, [Sch. 5](#); S.R. 2006/428, [art. 3\(b\)\(c\)](#)

**CHAPTER II**

**AMENDMENTS OF THE ORDER OF 1981**

**Interpretation of Order of 1981**

**123.—(1)** In Article 2 of the Order of 1981 (interpretation), paragraphs (4) and (5) shall be omitted.

(2) After that Article there shall be inserted—

**“Meaning of member of a person's family**

**2A.—(1)** For the purposes of this Order a person is a member of another's family if—

- (a) he is the spouse of that person, or he and that person live together as husband and wife, or
- (b) he is that person's parent, grandparent, child, grandchild, brother, or sister.

(2) For the purpose of paragraph (1)(b)—

- (a) a relationship by marriage shall be treated as a relationship by blood,

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- (b) a relationship of the half-blood shall be treated as a relationship of the whole blood, and
- (c) the stepchild of a person shall be treated as his child.”.

#### **Allocation of housing accommodation**

**124.**—(1) Article 22 of the Order of 1981 (house allocation scheme) shall be amended as follows.

(2) For paragraph (1) there shall be substituted—

“(1) The Executive shall submit to the Department a scheme for the allocation of housing accommodation held by the Executive to prospective tenants or occupiers.” .

(3) In paragraph (3), at the end there shall be added the words “ and with the provisions of Article 22A when allocating housing accommodation held by it ”.

(4) After paragraph (6) there shall be inserted—

“(7) For the purposes of this Article and Article 22A the Executive allocates housing accommodation when it selects a person to be a secure or introductory tenant of housing accommodation held by it.

(8) The reference in paragraph (7) to selecting a person to be a secure tenant includes deciding to exercise any power to notify an existing tenant or licensee that his tenancy or licence is to be a secure tenancy.” .

(5) After Article 22 of the Order of 1981 there shall be inserted —

#### **“Allocation only to eligible persons**

**22A.**—(1) The Executive shall not allocate housing accommodation—

- (a) to a person from abroad, if he is a person subject to immigration control who is ineligible for an allocation of housing accommodation by virtue of section 118 of the Immigration and Asylum Act 1999 (c. 33);
- (b) to any other person from abroad, if he is a person who is ineligible for such an allocation by virtue of regulations made under paragraph (3);
- (c) to a person who the Executive has decided is to be treated as ineligible for such an allocation by virtue of paragraph (6); or
- (d) to two or more persons jointly if any of them is a person mentioned in subparagraph (a), (b) or (c).

(2) Subject to paragraph (1), any person may be allocated housing accommodation by the Executive (whether on his application or otherwise).

(3) The Secretary of State may, for the purposes of paragraph (1)(b), by regulations specify classes of persons from abroad who are ineligible for an allocation of housing accommodation by the Executive.

(4) Regulations made under paragraph (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument, and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

(5) Nothing in paragraph (1)(a) or (b) affects the eligibility of a person who is already a secure or introductory tenant of the Executive.

(6) The Executive may decide that an applicant is to be treated as ineligible for an allocation of housing accommodation by it if it is satisfied that—

- (a) he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the Executive; and

- (b) in the circumstances at the time his application is considered, he is unsuitable to be a tenant of the Executive by reason of that behaviour.
- (7) The only behaviour which may be regarded by the Executive as unacceptable for the purposes of paragraph (6)(a) is—
  - (a) behaviour of the person concerned which would (if he were a secure tenant of the Executive) entitle the Executive to a possession order under Article 29 of the Housing (Northern Ireland) Order 1983 (NI 15) on Ground 2 or Ground 3 in Schedule 3 to that Order; or
  - (b) behaviour of a member of his household which would (if he were a person residing with a secure tenant of the Executive) entitle the Executive to such a possession order.
- (8) If the Executive decides that an applicant for housing accommodation—
  - (a) is ineligible for an allocation by virtue of paragraph (1)(a) or (b); or
  - (b) is to be treated as ineligible for such an allocation by virtue of paragraph (6),the Executive shall notify the applicant of its decision and the grounds for it.
- (9) That notice shall be given in writing and, if not received by the applicant, shall be treated as having been given if it is made available at the Executive's district office for a reasonable period for collection by him or on his behalf.
- (10) A person who is being treated by the Executive as ineligible by virtue of paragraph (6) may (if he considers that he should no longer be treated as ineligible) make a fresh application to the Executive for an allocation of housing accommodation by it.”.

### **Caravan sites for members of the Irish Traveller community**

**125.**—(1) After Article 28 of the Order of 1981 (Executive's supplementary powers with respect to the provision of housing accommodation) there shall be inserted—

#### **“Provision of caravan sites for members of the Irish Traveller community**

- 28A.**—(1) The Executive—
- (a) shall provide such caravan sites as appear to it to be appropriate for the accommodation of caravans of members of the Irish Traveller community, and
  - (b) may manage those sites or lease them to some other person.
- (2) For the purposes of paragraph (1), the Executive may, under Article 87, acquire land—
- (a) on which to construct caravan sites,
  - (b) which is in use as a caravan site, or
  - (c) which has been laid out as a caravan site.
- (3) The Executive may make such provision as appears to it desirable in connection with caravan sites provided under this Article and, in particular, may provide for the use of those occupying such sites, any services or facilities for their health or convenience that appear to it to be appropriate.
- (4) In exercising their powers under this Article, the Executive shall have regard to any model conditions specified by the Department of the Environment under section 5(7) of the Caravans Act (Northern Ireland) 1963 (c. 17).
- (5) The Executive shall make in respect of the use of caravan sites provided by it, and of any services or facilities made available under this Article, such reasonable charges as it may determine.
- (6) The Executive shall not have power under this Article to provide caravans.

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(7) In this Article—

- (a) “caravan” and “caravan site” have the same meaning as in the Caravans Act (Northern Ireland) 1963; and
- (b) any reference to the Irish Traveller community shall be construed in accordance with Article 5(2)(a) of the Race Relations (Northern Ireland) Order 1997 (NI 6).”.

(2) Schedule 2, which makes provision for the transfer to the Executive of caravan sites provided by district councils for the accommodation of travelling people, shall have effect.

#### **Acquisition of land by the Executive for amenity purposes**

**126.** After Article 31A of the Order of 1981 (acquisition and development of land for resettlement of certain undertakings) there shall be inserted —

##### **“Acquisition of land by the Executive for amenity purposes**

**31B.**—(1) The Executive's power to acquire land under Article 87 shall be exercisable for the purposes of effecting or assisting the improvement of the amenities of any area consisting mainly of housing accommodation.

(2) The Executive may, for the purposes mentioned in paragraph (1), carry out works on any land acquired by the Executive for those purposes.”.

#### **Termination of home insulation schemes**

**127.** Chapter II of Part IV of the Order of 1981 (home insulation grants), which has been superseded by Article 17 of the Social Security (Northern Ireland) Order 1990 (NI 15), shall cease to have effect.

#### **Disposal of houses let by the Executive to secure tenants**

**128.**—(1) Article 88C of the Order of 1981 (disposal of houses let by the Executive to secure tenants) shall be amended as follows.

(2) In paragraph (3), sub-paragraph (b) and the word “and” immediately preceding it shall be omitted.

(3) In paragraph (5) for the words “paragraph (3)(b)” there shall be substituted “ paragraphs (5A) and (5B) ”.

(4) After paragraph (5) there shall be inserted—

“(5A) The Department shall not give its consent if it appears to the Department that a majority of the tenants of the houses to which the application relates do not wish the disposal to proceed; but this does not affect the Department's general discretion to refuse consent on grounds relating to whether a disposal has the support of the tenants or on any other ground.

(5B) In making its decision the Department may have regard to any information available to it; and the Executive shall give the Department such information as to the representations made to it by tenants and others, and other relevant matters, as the Department may require.” .

(5) Paragraph (6) shall be omitted.

(6) The amendments made by this Article apply to disposals made after the coming into operation of this Article.

### **Increase of penalty for obstruction of an authorised officer**

**129.** In Article 160(1) of the Order of 1981 (penalty for obstruction), for the reference to level 3 on the standard scale there shall be substituted a reference to level 4 on the standard scale.

### **Membership of the Executive**

**130.**—(1) Schedule 1 to the Order of 1981 (the Northern Ireland Housing Executive), shall be amended in accordance with paragraphs (2) to (4).

(2) In sub-paragraph (1) of paragraph 1 for the words “persons nominated by the Council from its members” there shall be substituted “members of the Council”.

(3) After that sub-paragraph there shall be inserted—

“(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.”.

(4) For paragraph 2 there shall be substituted—

“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.”.

(5) In Schedule 2 to the Order of 1981, in paragraph 2 (proceedings of the Council), at the beginning there shall be inserted “Subject to paragraph 1(1A) of Schedule 1, ”.

## **CHAPTER III**

### **AMENDMENTS OF THE ORDER OF 1983**

### **House sales by registered housing associations**

**131.** After Article 3 of the Order of 1983 (house sales scheme) there shall be inserted—

#### **“House sales by registered housing associations**

**3A.**—(1) The Department shall make a scheme for registered housing associations to offer for sale or lease to their secure tenants, the dwelling-houses occupied by those tenants.

(2) A scheme made under paragraph (1) may contain such provision as the Department considers appropriate and, without prejudice to the generality of the foregoing, shall include provision with respect to the matters mentioned in sub-paragraphs (a) to (f) of Article 3(2).

(3) A scheme made under paragraph (1) may include provision for registered housing associations to offer, in such circumstances as the scheme may provide, to grant equity-sharing leases in relation to dwelling-houses to which the scheme applies.

(4) Registered housing associations shall comply with a scheme made under paragraph (1).

(5) The Department may at any time amend a scheme made under paragraph (1) or a scheme replacing any such scheme; and paragraphs (2) to (4) shall have effect in relation to an amended scheme or a scheme replacing an existing scheme as they have effect in relation to a scheme.”.

### **Tenant's improvements**

**132.**—(1) After Article 34 of the Order of 1983 (tenant's improvements) there shall be inserted—

**“Right to compensation for improvements**

**34A.**—(1) The duty imposed by this Article shall apply in relation to cases where a secure tenant whose landlord is the Executive has made an improvement and—

- (a) the Executive has given its written consent to the improvement or is treated as having given its consent; and
- (b) the work on the improvement was begun not earlier than the date of the coming into operation of Article 132 of the Housing (Northern Ireland) Order 2003; and
- (c) at the time when the tenancy comes to an end the landlord is the Executive and the tenancy is a secure tenancy.

(2) The Executive shall prepare and submit to the Department a scheme for entitling a secure tenant whose landlord is the Executive—

- (a) at the time when the tenancy comes to an end; and
- (b) subject to and in accordance with the scheme,

to be paid compensation by the Executive in respect of the improvement.

(3) A scheme submitted under paragraph (2) may contain such provision as the Executive thinks appropriate and, without prejudice to the generality of the foregoing, shall include provision with respect to—

- (a) the types of improvement to which the scheme applies;
- (b) the manner in which and the period within which claims for compensation under the scheme are to be made, and the procedure to be followed in determining such claims;
- (c) the conditions under which compensation shall not be payable;
- (d) the method by which sums of compensation payable under the scheme are to be calculated;
- (e) the minimum and maximum amounts of compensation payable in respect of any claim for compensation; and
- (f) the circumstances in which the Executive may set off against any compensation payable under the scheme any sums owed to it by the tenant to whom compensation is payable.

(4) The Department may approve a scheme submitted under paragraph (2) with or without modifications.

(5) The Executive shall comply with a scheme approved by the Department under paragraph (4).

(6) The Executive may at any time, and if the Department so directs shall, submit to the Department proposals amending a scheme approved under paragraph (4) or a scheme replacing any such scheme; and paragraphs (4) and (5) shall have effect in relation to those proposals or a scheme replacing an existing scheme as they have effect in relation to a scheme.

(7) For the purposes of this Article a tenancy shall be treated as coming to an end if—

- (a) it ceases to be a secure tenancy by reason of the landlord condition no longer being satisfied, or
- (b) it is assigned, with the consent of the landlord, to a person to whom Article 32A(1) applies.”.

(2) In Article 35(2) of the Order of 1983 (reimbursement of cost of tenant's improvements)—

- (a) for the word “shall” there shall be substituted “ may ”;
- (b) after the word “power” there shall be inserted “ or duty ”.

(3) The amendments made by paragraph (2) do not apply where a secure tenant has made an improvement and work on the improvement was begun before the date of the coming into operation of this Article.

(4) In paragraph (3) “improvement” has the meaning given in Article 34(3) of the Order of 1983.

### **Right of secure tenants of the Executive to have repairs carried out**

**133.** For Article 38A of the Order of 1983 (right to carry out repairs) there shall be substituted—

#### **“Right to have repairs carried out**

**38A.**—(1) The Executive shall prepare and submit to the Department a scheme for entitling secure tenants of the Executive to have qualifying repairs carried out, at the Executive's expense, to the dwelling-houses of which they are secure tenants.

(2) A scheme submitted under paragraph (1) may contain such provision as the Executive thinks appropriate and, without prejudice to the foregoing, shall include provision with respect to—

- (a) the period of time within which the repairs must be carried out;
- (b) the payment of sums to tenants by way of compensation where the repairs are not carried out within the period of time specified in the scheme;
- (c) the method by which sums of compensation payable under the scheme are to be calculated; and
- (d) the circumstances in which the Executive may set off against any compensation payable under the scheme any sums owed to it by the tenant to whom compensation is payable.

(3) The Department may approve a scheme submitted under paragraph (1) with or without modifications.

(4) The Executive shall comply with a scheme approved by the Department under paragraph (3).

(5) The Executive may at any time, and if the Department so directs shall, submit to the Department proposals amending a scheme approved under paragraph (3) or a scheme replacing any such scheme; and paragraphs (3) and (4) shall have effect in relation to those proposals or a scheme replacing an existing scheme as they have effect in relation to a scheme.

(6) Any question arising under a scheme approved under paragraph (3) may be referred to and determined by the county court.

(7) In this Article—

“qualifying repair”, in relation to a dwelling-house, means any repair of a description specified in a scheme approved under paragraph (3) which the Executive is obliged by a repairing covenant to carry out;

“repairing covenant”, in relation to a dwelling-house, means a covenant (whether express or implied) obliging the Executive to keep in repair the dwelling-house or any part of the dwelling-house.”.

### **Tenancies which are not secure tenancies**

**134.**—(1) Schedule 2 to the Order of 1983 (tenancies which are not secure tenancies) shall be amended as follows.

(2) In paragraph 2 (premises occupied under contract of employment)—

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- (a) in sub-paragraph (1), at the beginning there shall be inserted “Subject to sub-paragraph (3)”, and
- (b) after sub-paragraph (2), there shall be added—
  - “(3) A tenancy under sub-paragraph (1) shall become a secure tenancy if the landlord notifies the tenant that the tenancy is to be regarded as a secure tenancy.”.
- (3) For paragraph 3A, as inserted by paragraph 8 of Schedule 2 to the Order of 1988, there shall be substituted—

*“Accommodation for homeless persons*

**3A.** A tenancy granted by the landlord in pursuance of any function of the Executive under Part II of the Housing (Northern Ireland) Order 1988 (housing the homeless) is not a secure tenancy unless the landlord has notified the tenant that the tenancy is to be regarded as a secure tenancy.”.

- (4) After paragraph 9 there shall be added the following paragraph—

*“Qualifying shorthold tenancies*

**10.—**(1) A tenancy is not a secure tenancy if it is a qualifying shorthold tenancy within the meaning of sub-paragraph (2).

- (2) A tenancy which is granted—
  - (a) after the coming into operation of Article 134 of the Housing (Northern Ireland) Order 2003; and
  - (b) for a term certain of not less than one year and not more than 5 years,
 is a qualifying shorthold tenancy if and so long as—
  - (i) the estate of the landlord belongs to a registered housing association; and
  - (ii) the tenancy satisfies such other requirements or conditions as may be prescribed.”.

## CHAPTER IV

### AMENDMENTS OF THE ORDER OF 1988

#### **Definition of “homelessness”**

**135.** In Article 3 of the Order of 1988 (homelessness and threatened homelessness), in paragraph (1) for the words “in Northern Ireland” there shall be substituted “available for his occupation in the United Kingdom or elsewhere”.

#### **Becoming homeless intentionally**

**136.** In Article 6 of the Order of 1988 (becoming homeless intentionally), after paragraph (3) there shall be inserted—

“(3A) A person shall be treated as becoming homeless intentionally, or as becoming threatened with homelessness intentionally, if—

- (a) he enters into an arrangement under which he is required to cease to occupy accommodation which it would be reasonable for him to continue to occupy, and



- (b) the purpose of the arrangement is to enable him to become entitled to assistance under this Part,  
and there is no other good reason why he is homeless.” .

### **Eligibility for housing assistance**

**137.** After Article 7 of the Order of 1988 (inquiry into cases of homelessness or threatened homelessness) there shall be inserted—

#### **“Persons not eligible for housing assistance**

**7A.—(1)** A person is not eligible for assistance under this Part—

- (a) if he is a person from abroad who is subject to immigration control and is ineligible for such assistance by virtue of section 119 of the Immigration and Asylum Act 1999 (c. 33);
- (b) if he is any other person from abroad who is ineligible for such assistance by virtue of regulations made under paragraph (2); or
- (c) if he is a person who the Executive has decided is to be treated as ineligible for such assistance by virtue of paragraph (5).

(2) The Secretary of State may, for the purposes of paragraph (1)(b), make provision by regulations as to other descriptions of persons who are to be treated as persons from abroad who are ineligible for assistance under this Part.

(3) Regulations made under paragraph (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument, and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

(4) A person from abroad who is not eligible for assistance under this Part shall be disregarded in determining for the purposes of this Part whether another person—

- (a) is homeless or threatened with homelessness, or
- (b) has a priority need for accommodation.

(5) The Executive may decide that an applicant is to be treated as ineligible for assistance under this Part if it is satisfied that—

- (a) he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the Executive; and
- (b) in the circumstances at the time his application is considered, he is unsuitable to be a tenant of the Executive by reason of that behaviour.

(6) The only behaviour which may be regarded by the Executive as unacceptable for the purposes of paragraph (5)(a) is—

- (a) behaviour of the person concerned which would (if he were a secure tenant of the Executive) entitle the Executive to a possession order under Article 29 of the Order of 1983 on Ground 2 or Ground 3 in Schedule 3 to that Order; or
- (b) behaviour of a member of his household which would (if he were a person residing with a secure tenant of the Executive) entitle the Executive to such a possession order.

(7) Where the Executive is satisfied that a person is not eligible for assistance under this Part by virtue of paragraph (1)(c) of this Article but has a priority need, it shall treat him in the same manner as an applicant to whom paragraph (3) of Article 10 applies.

(8) Where the Executive is satisfied that a person—

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- (a) is not eligible for assistance under this Part by virtue of paragraph (1)(a) or (b); or
- (b) is not eligible for assistance under this Part by virtue of paragraph (1)(c) and does not have a priority need;

it shall treat him in the same manner as an applicant to whom paragraph (4) of Article 10 applies.

#### **Provision of information by Secretary of State**

**7B.**—(1) The Secretary of State shall, at the request of the Executive, provide the Executive with such information as it may require to enable it to determine for the purposes of paragraph (1)(a) or (b) of Article 7A whether such a person is eligible for assistance under this Part.

(2) Where that information is given otherwise than in writing, the Secretary of State shall confirm it in writing if a written request is made to him by the Executive.

(3) If it appears to the Secretary of State that any application, decision or other change of circumstances has affected the status of a person about whom information was previously provided by him to the Executive under this Article, he shall inform the Executive in writing of that fact, the reason for it and the date on which the previous information became inaccurate.”.

#### **Emergency grants**

**138.** After Article 29 of the Order of 1988 (scheme for purchase of evacuated dwellings) there shall be inserted—

##### **“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).”.

## CHAPTER V

### AMENDMENTS OF THE ORDER OF 1992

#### **Realisation of value of Department's loans portfolio**

**139.** After Article 6 of the Order of 1992 (borrowing by housing associations) there shall be inserted—

#### **“Realisation of value of Department's loans portfolio**

**6A.—**(1) The Department may enter into such arrangements as it considers appropriate for the purpose of realising the value of the whole or part of its loans portfolio.

(2) The arrangements may provide, with respect to the purpose mentioned in paragraph (1), for—

- (a) the transfer of any estate or interest of the Department, or
- (b) the creation or disposal of economic interests not involving the transfer of an estate or interest,

and may extend to such incidental or ancillary matters as the Department considers appropriate.

(3) In this Article the Department's “loans portfolio” means the Department's rights or obligations in relation to—

- (a) any loans made by the Department to registered housing associations under Article 6, or
- (b) any securities related to such loans.

(4) Nothing in the terms of any loan or related transaction entered into by the Department shall be construed as impliedly prohibiting or restricting the Department from dealing with its loans portfolio in accordance with this Article.”.

#### **Rent for housing accommodation provided by registered housing associations**

**140.—**(1) Article 8 of the Order of 1992 (rents to be charged for housing accommodation provided by registered housing associations) shall be amended as follows.

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(2) For paragraph (3) there shall be substituted—

“(3) The power conferred on a registered housing association under paragraph (1) may be exercised to fix the amount of rent to be charged under a tenancy by way of an equity-sharing lease, whenever granted.”.

(3) In paragraph (4) for the words “paragraphs (2) and (3)” there shall be substituted “paragraph (2)”.

(4) In paragraph (7) for sub-paragraphs (a) and (b) there shall be substituted “ may be exercised in relation to any particular tenancy on one occasion only during any financial year ”.

**Disposal of land by registered housing associations**

**141.** In Article 13 of the Order of 1992 (disposal of land by registered housing associations, etc.), after paragraph (7) there shall be inserted—

“(7A) Paragraph (7) shall not apply in relation to any land acquired by any registered housing association specified by the Department if the association acquired the land for the purpose of granting an equity-sharing lease of that land.”.

**Repairs grants**

**142.—**(1) In Article 74 of the Order of 1992 (repairs grants towards costs of meeting certain statutory repairing obligations in respect of dwelling-houses), after paragraph (2) there shall be inserted—

“(2A) A repairs grant shall not be payable—

- (a) to a person who is an owner of the dwelling-house and who occupies it as his only or principal home; or
- (b) to a person who is a tenant of a dwelling-house at a time when the estate of the landlord under the tenancy belongs to—
  - (i) the Crown (whether in right of Her Majesty's Government in the United Kingdom or in Northern Ireland),
  - (ii) a government department (including a department of the Government of the United Kingdom),
  - (iii) the Executive, or
  - (iv) a registered housing association; or
- (c) to a person of such other description as the Department may prescribe.”.

(2) In Schedule 3 to the Order of 1992 (provisions with respect to repairs grants), in paragraph 3—

- (a) in sub-paragraph (3), for “£5,500” there shall be substituted “ £7,500 ”;
- (b) in sub-paragraph (5), at the beginning there shall be inserted “ Subject to sub-paragraph (6) ”; and
- (c) after sub-paragraph (5) there shall be added—

“(6) The total amount of repairs grant payable in any period of 3 years in respect of any one dwelling-house shall not exceed £7,500 or such other amount as the Department may by order specify.”.

(3) The amendments made by this Article apply to a repairs grant payable under Article 74 of the Order of 1992 by the Executive towards the cost of works specified—

- (a) F3 .....

(b) in a notice served in respect of a dwelling-house under section 110 of the Public Health (Ireland) Act 1878 (c. 52),  
on or after the day of the coming into operation of this Article.

**F3** Art. 142(3)(a) repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 75, Sch. 5; S.R. 2006/428, art. 3(b)(c)

### Amendment of definition of “multiple occupation”

**143.** In Article 75 of the Order of 1992 (meaning of “multiple occupation”) for paragraph (1) there shall be substituted—

“(1) In this Part “house in multiple occupation” means a house occupied by more than 2 qualifying persons, being persons who are not all members of the same family.

(1A) In paragraph (1) “qualifying persons” means persons whose only or principal residence is the house in multiple occupation, and for that purpose a person undertaking a full time course of further or higher education who resides during term time in a house shall, during the period of that person's residence, be regarded as residing there as his only or principal residence.”.

### Article 144—Amendments

### Service of certain documents

**145.** In Article 104 of the Order of 1992 (service of certain documents)—

- (a) in paragraph (1) the words “Executive as” and “the Executive by” shall cease to have effect;
- (b) in paragraph (2)—
  - (i) after the words “to the Executive” there shall be inserted “ or such other body as may be prescribed ”;
  - (ii) in sub-paragraph (a) the words “by the Executive” shall cease to have effect.

## CHAPTER VI

### OTHER AMENDMENTS

### Complaints against registered housing associations

**146.** In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7) (bodies subject to investigation), at the appropriate place in alphabetical order, there shall be inserted the following entry—

“A registered housing association within the meaning of Article 3(2) of the Housing (Northern Ireland) Order 1992.”.

### Minor and consequential amendments

#### Para. (1)—Amendments

(2) The Department may by order make such other amendments or repeals of any statutory provision as appear to it to be necessary or expedient in consequence of any of the provisions of this Order.

**Status:**

Point in time view as at 01/04/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 2003, PART IV.