

1992 No. 358

HOUSING

**The Housing (Transitional Provisions and Savings)
Order (Northern Ireland) 1992**

Made 17th August 1992

Coming into operation 16th September 1992

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2) and 108(2) of the Housing (Northern Ireland) Order 1992(a) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Housing (Transitional Provisions and Savings) Order (Northern Ireland) 1992 and shall come into operation on 16th September 1992.

(2) In this Order—

“the 1981 Order” means the Housing (Northern Ireland) Order 1981(b);

“the 1986 Order” means the Housing (Northern Ireland) Order 1986(c);
and

“the 1992 Order” means the Housing (Northern Ireland) Order 1992.

Transitional provisions and savings relating to the 1981 Order

2. The repeal and amendment of provisions of the 1981 Order by the 1992 Order shall be subject to the following provisions—

(1) (a) Subject to sub-paragraph (b) the amendment of Articles 35(d) (demolition orders) and 43(d) (appeals against demolition orders) do not have effect in relation to an undertaking accepted under those Articles before 16th September 1992;

(b) Where, after that date, any work to which the undertaking relates is not carried out within the specified period or the premises are at any time used in contravention of the terms of the undertaking, the undertaking shall cease to have effect; and where the premises are, in the opinion of the Housing Executive, unfit for human habitation within the meaning of Article 46(d) the Executive shall forthwith satisfy itself, in accordance with Article 46A(d), as to

(a) S.I. 1992/1725 (N.I. 15): Art. 2(2) is an interpretation provision cited because it contains a definition of “the Department”

(b) S.I. 1981/156 (N.I. 3)

(c) S.I. 1986/1301 (N.I. 13)

(d) Articles 35, 43, 46 and 46A were substituted by Sch. 5 to S.I. 1992/1725 (N.I. 15)

the most satisfactory course of action to take in respect of the premises and shall take action accordingly under one of the provisions mentioned in paragraph (1) of that Article.

(2) The repeal of Article 138(3) and (3A)(a) (circumstances in which grant may be reduced, suspended or reclaimed) shall not apply where Article 138(3) would otherwise apply by virtue of events described in that Article occurring before 16th September 1992 (and in relation to sub-paragraph (c) of that Article the event in question is the land ceasing to be used, or to be available for use, as therein described).

(3) The repeal of Article 139(b) shall not apply in relation to revenue deficit grant payable to an association for an accounting period which begins before 16th September 1992.

(4) The repeal of Article 140(c) shall not apply in relation to hostel deficit grant payable to an association for an accounting period which begins before 16th September 1992.

(5) The repeal of Article 140A(d) (recoupment of surplus rental income) shall not apply in relation to any surpluses arising during any period which expires before 16th September 1992.

(6) The repeal of Article 127 (Grants under the Finance Act (Northern Ireland) 1966(e) and of Section 15 of the Finance Act (Northern Ireland) 1966 which empowers the Department to make grants to housing associations for affording relief from tax shall not apply in relation to a grant payable to an association in respect of a period which commences before 16th September 1992.

Transitional provisions and savings relating to the 1986 Order

3. The repeal of Article 40(2) of the 1986 Order (obligation to notify the Department) shall not apply to a disposal by a housing association under sub-paragraph (a) of paragraph 3 of Article 138 of the 1981 Order or payment to an association under sub-paragraph (aa) of that paragraph occurring before 16th September 1992.

Sealed with the Official Seal of the Department of the Environment on
17th August 1992.

(L.S.)

R. E. Aiken

Assistant Secretary

(a) Article 138(3) and (3A) was substituted by para. 2 of Sch. 8 to S.I. 1983/1118 (N.I. 15) and amended by Art. 40(1) of S.I. 1986/1301 (N.I. 13)

(b) Article 139 was amended by para. 3 of Sch. 8 to S.I. 1983/1118 (N.I. 15)

(c) Article 140 was amended by para. 4 of Sch. 8 to S.I. 1983/1118 (N.I. 15)

(d) Article 140A was inserted by Art. 84 of S.I. 1983/1118 (N.I. 15)

(e) 1966 c. 21 (N.I.)

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order is made under Article 108(2) of the Housing (Northern Ireland) Order 1992 ("the 1992 Order") as a consequence of the repeal and amendment of certain provisions of the Housing (Northern Ireland) Order 1981 ("the 1981 Order") and the Housing (Northern Ireland) Order 1986 ("the 1986 Order").

Article 2(1) allows an undertaking, accepted by the Northern Ireland Housing Executive under Articles 35 and 43 (demolition orders and appeals against demolition orders) of the 1981 Order before 16th September 1992, to render a house fit for human habitation, to remain in force and provides for the circumstances where such an undertaking shall cease to have effect in which case the Executive shall act in accordance with Articles 46 and 46A of the 1981 Order (as amended by the 1992 Order).

Article 2(2) enables the Department to recover grant from a housing association under Article 138(3) and (3A) of the 1981 Order (circumstances in which grant may be reduced, suspended or reclaimed) where the event which gives rise to such recovery takes place before 16th September 1992.

Article 2(3) enables the Department to continue to pay Revenue Deficit Grant claims under Article 139 of the 1981 Order in respect of an accounting period beginning before 16th September 1992.

Article 2(4) enables the Department to continue to pay Hostel Deficit Grant claims under Article 140 of the 1981 Order in respect of an accounting period beginning before 16th September 1992.

Article 2(5) provides that housing associations must continue to adhere to Article 140A of the 1981 Order (Recoupment of Surplus Rental Income) for any period ending before 16th September 1992. The Department can recover surpluses for such periods or direct that they be applied for specific purposes.

Article 2(6) retains the Department's power to make grants under Section 15 of the Finance Act (Northern Ireland) 1966 as restricted by Article 127 of the 1981 Order in respect of a period which commences before 16th September 1992.

Article 3 retains the obligation on housing associations to notify the Department of disposals or payments under Article 40(2) of the 1986 Order before 16th September 1992.