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STATUTORY INSTRUMENTS

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**1992 No. 1725**

**The Housing (Northern Ireland) Order 1992**

**CHAPTER II**

**REGISTRATION OF HOUSING ASSOCIATIONS**

**Department's power to act for protection of registered housing associations**

**25.**—<sup>[F1]</sup>(1) The powers conferred on the Department by paragraphs (1B), (3), (3A), (4), (5) and (7) in respect of a registered housing association are exercisable only where (in addition to the particular conditions for those paragraphs being met) the Department considers that—

- (a) action is needed to protect the interests of tenants of the association or to protect the assets of the association, and
- (b) the committee of the association is unwilling to take appropriate action for that purpose.

(1A) Paragraph (1B) applies where the Department is satisfied as the result of an inquiry under Article 23 or an audit under Article 24 that a registered housing association has failed, or is failing, to comply with—

- (a) a duty imposed by this Order or by any other statutory provision, or
- (b) a requirement imposed on the association by the Department under this Order or any other statutory provision,

relating to its housing activities or its financial or other affairs.

(1B) Where this paragraph applies, the Department may do all or any of the following, namely—]

- (a) by order remove any member of the committee of the association, or any officer, agent or employee of the association, who has been responsible for or privy to <sup>[F2]</sup>the failure mentioned in paragraph (1A)] or has by his conduct contributed to it or facilitated it;
- (b) by order suspend such a person for up to 6 months, pending determination whether he should be removed;
- (c) order any bank or other person who holds money or securities on behalf of the association not to part with the money or securities without the approval of the Department;
- (d) by order restrict the transactions which may be entered into, or the nature or amount of the payments which may be made, in the administration of the association without the approval of the Department.

(2) Where a person is suspended, the Department may give directions with respect to the performance of his functions and otherwise as to matters arising from the suspension.

(3) If at any time the appointed person makes an interim report under Article 23(6) and, as a result of that interim report, the Department is satisfied that <sup>[F3]</sup>there is or has been a failure as mentioned in paragraph (1A)] ,—

- (a) the Department may at that time exercise any of the powers conferred by sub-paragraphs (b) to (d) of <sup>[F4]</sup>paragraph (1B)] ; and

- (b) in relation to the exercise at that time of the power conferred by <sup>F5</sup>paragraph (1B)(b) , the reference therein to a period of 6 months shall be construed as a reference to a period beginning at that time and ending 6 months after the date of the report under Article 23(7).

<sup>F6</sup>(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 <sup>F7</sup>there is or has been a failure as mentioned in paragraph (1A)] 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) <sup>F8</sup>of paragraph (1B)] .]

(4) The Department may also by order remove a member of the committee of a registered housing association where that member—

- (a) is a bankrupt <sup>F9</sup>or is the subject of a bankruptcy restrictions order]<sup>F10</sup>, or is a person in relation to whom a moratorium period under a debt relief order applies or is the subject of a debt relief restrictions order,] or has made an arrangement with his creditors or is incapable of acting by reason of mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986<sup>F11</sup>;
- (b) has not acted; or
- (c) cannot be found or does not act and his absence or failure to act <sup>F12</sup>compromises the committee's ability to ensure that the association complies with the duties and requirements mentioned in paragraph (1A)] .

(5) The Department may by order appoint a person to be a member of the committee of a registered housing association (whether or not he is a member of the association and, if he is not, notwithstanding that the rules of the association restrict membership of the committee to members of the association)—

- (a) in place of a member of the committee removed by it under this Article or otherwise;
- (b) where there are no members of the committee; or
- (c) where the Department is of opinion that it is necessary <sup>F13</sup>for the association to have an additional member of its committee to ensure that the association complies with the duties and requirements mentioned in paragraph (1A);]

and the power conferred by sub-paragraph (c) may be exercised notwithstanding that it will cause the maximum number of the committee members permissible under the association's rules to be exceeded.

(6) A person appointed under paragraph (5) as a member of the committee of a housing association shall be entitled—

- (a) to attend, speak and vote at any general meeting of the association and to receive all notices of and other communications relating to any general meeting which a member of the association is entitled to receive; and
- (b) to require a general meeting of the association to be convened within 21 days of a request to that effect made in writing to the committee of the association.

(7) A person appointed to be a member of the committee of a registered housing association under paragraph (5) shall hold office for such period and on such terms as the Department may specify and, on the expiry of any such period, the Department may renew the appointment for such period as it may specify; but nothing in this paragraph shall prevent any such person from retiring from the appointment in accordance with the rules of the association.

(8) Any member of the committee of a registered housing association or any officer, agent or employee of the association who is ordered by the Department to be removed under [F14 paragraph (1B)(a)] or (4) or suspended under [F15 paragraph (1B)(b)] may appeal against the order to the High Court.

(9) Before making an order under [F16 paragraph (1B)(a)] or (4) the Department shall give not less than 14 days' notice of its intention to do so—

- (a) to the person whom it intends to remove, and
- (b) to the registered housing association concerned.

(10) Any person who contravenes an order under [F17 paragraph (1B)(c)] shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5, or to imprisonment for a term not exceeding 3 months, or to both; but no proceedings for an offence punishable under this paragraph shall be instituted except by or with the consent of the Director of Public Prosecutions for Northern Ireland or the Department.

(11) As soon as may be after making an order under this Article the Department shall send a copy of the order to the registrar.

- F1 Art. 25(1)-(1B) substituted (29.8.2020) for words preceding art. 25(1)(a) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(2\), 10\(2\)](#)
- F2 Words in art. 25(1B)(a) substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(3\), 10\(2\)](#)
- F3 Words in art. 25(3) substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(4\)\(a\), 10\(2\)](#)
- F4 Words in art. 25(3) substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(4\)\(b\), 10\(2\)](#)
- F5 Words in art. 25(3) substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(4\)\(c\), 10\(2\)](#)
- F6 Art. 25(3A) inserted (31.7.2010) by [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\), ss. 8, 19\(1\)](#); S.R. 2010/251, [art. 2](#)
- F7 Words in art. 25(3A) substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(5\)\(a\), 10\(2\)](#)
- F8 Words in art. 25(3A) substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(5\)\(b\), 10\(2\)](#)
- F9 Words in art. 25(4)(a) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\), art. 1, Sch. para. 10](#)
- F10 Words in art. 25(4)(a) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\), art. 1, Sch. para. 13](#)
- F11 1986 NI 4
- F12 Words in art. 25(4)(c) substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(6\), 10\(2\)](#)
- F13 Words in art. 25(5)(c) substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(7\), 10\(2\)](#)
- F14 Words in art. 25(8) substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(8\)\(a\), 10\(2\)](#)
- F15 Words in art. 25(8) substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(8\)\(b\), 10\(2\)](#)
- F16 Words in art. 25(9) substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(9\), 10\(2\)](#)
- F17 Words in art. 25(10) substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\), ss. 3\(10\), 10\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1992, Section 25.