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STATUTORY INSTRUMENTS

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**1992 No. 1725**

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

**PART VII**

**MISCELLANEOUS AND SUPPLEMENTARY**

*Miscellaneous*

**Powers of Executive and Department as respects provision of services and assistance for owners and occupiers of houses**

**103.**—(1) The Executive shall have power to provide professional, technical and administrative services for owners or occupiers of dwellings in connection with their arranging or carrying out relevant works or to encourage or facilitate the carrying out of such works, whether or not on payment of such charges as the Executive may determine.

(2) Works are relevant works in relation to a dwelling or, as the case may be, a dwelling in any area, if they are works of any of the following descriptions, that is to say—

- (a) works to cause the dwelling to be fit for human habitation,
- (b) where the occupant is disabled, works for any of the purposes specified in<sup>[F1]</sup> Article 54 of the Housing (Northern Ireland) Order 2003 (disabled facilities grants: purposes)],
- (c) works for any of the purposes specified in<sup>[F1]</sup> Article 43 or 58 of the Housing (Northern Ireland) Order 2003 (renovation grants or HMO grants: purposes)], and
- <sup>[F1]</sup>(d) works for which home repair assistance may be available under Articles 106 to 109 of the Housing (Northern Ireland) Order 2003]

(3) It shall be the duty of the Executive when exercising any power conferred by paragraph (1)—

- (a) to consider whether or not to make a charge for exercising it; and
- (b) to take such measures as are reasonably available to the Executive to secure contributions from other persons towards the cost of exercising it.

(4) The Executive shall have power to give financial assistance in any form to—

- (a) any housing association,
- (b) any charity, or
- (c) any body, or body of any description, approved by the Department,

towards the cost of the provision by that association, charity or body of services of any description for owners or occupiers of dwellings in arranging works of maintenance, repair or improvement or the encouraging or facilitating the carrying out of such works.

(5) It shall be the duty of the Executive—

- (a) in deciding whether to exercise any power conferred by paragraph (4) in relation to any association, charity or body, to have regard to the existence and extent of any financial assistance available from other persons to that association, charity or body; and

- (b) in exercising any power conferred by paragraph (4) in relation to any association, charity or body—
- (i) to have regard to whether that association, charity or body has made or will make charges and their amount; and
  - (ii) to encourage the association, charity or body to take such measures as are reasonably available to them to secure contributions from other persons.

(6) The Department may, with the consent of the Department of Finance and Personnel, give financial assistance in any form to any person in respect of expenditure incurred or to be incurred by that person in connection with the provision, whether or not by that person, of services of any description for owners or occupiers of dwellings in arranging or carrying out works of maintenance, repair or improvement, or in connection with the encouraging or facilitating, whether or not by that person, the carrying out of such works.

(7) The giving of financial assistance under paragraph (6) shall be on such terms (which may include terms as to repayment) as the Department, with the consent of the Department of Finance and Personnel, considers appropriate.

(8) The person receiving assistance shall comply with the terms on which it is given and compliance may be enforced by the Department.

(9) In this Article—

“charity” means any institution, corporate or not, which is established for charitable purposes and is subject to the control of the High Court in the exercise of the Court’s jurisdiction with respect to charities;

“housing association” means a housing association within the meaning of Article 3(1) or a body established by such a housing association for the purpose of, or having among its purposes or objects, those mentioned in Article 15(3)(c) (providing services of any description for owners or occupiers of houses in arranging or carrying out works of maintenance, repair or improvement, or encouraging or facilitating the carrying out of such works).

**F1** 2003 NI 2

### Service of certain documents

**104.**—<sup>F2</sup>(1) Any document required or authorised by a statutory provision to be given to or served on any person by the Executive or a registered housing association may be given to or served on that person by being sent by ordinary post.]

(2) A process under Part VI of the Magistrates’ Courts (Northern Ireland) Order 1981<sup>F3</sup> for the recovery of any sum due to the Executive<sup>F4</sup> or such other body as may be prescribed] on foot of a tenancy agreement may be served—

- (a) by being sent<sup>F4</sup>. . . by ordinary post; or
- (b) by any mode of service permitted by magistrates’ courts rules.

(3) In section 24(1) of the Interpretation Act (Northern Ireland) 1954<sup>F5</sup> (service of documents), as it applies to the service by post of any document or process mentioned in paragraph (1) or (2), the word “registering” shall be omitted.

**F2** Art. 104(1) substituted (30.6.2011) by [Housing \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 22\)](#), **ss. 18(2), 25(1)**; S.R. 2011/241, **art. 2(1)**, Sch. 1

**F3** 1981 NI 26

**F4** 2003 NI 2

**F5** 1954 c.33 (N.I.)

### **Repeal of Small Dwellings Acquisition Acts**

**105.**—(1) Subject to regulations made under paragraph (2), the Small Dwellings Acquisition Acts (Northern Ireland) 1899 to 1948 shall cease to have effect.

(2) Without prejudice to Article 108(2), the Department may by regulations make such saving provision as it considers appropriate with respect to advances made under the Small Dwellings Acquisition Acts (Northern Ireland) 1899 to 1948 before the repeal of those Acts.

### *Supplementary*

#### **Orders and regulations**

**106.** Any order (other than a vesting order or an order under Article 1(3) or 25) or regulations made by the Department under this Order shall be subject to negative resolution.

#### **Minor and consequential amendments**

**107.** The statutory provisions mentioned in Schedule 8 shall have effect subject to the amendments set out there.

#### **Repeals, transitional provisions and savings**

##### *Para. (1)—Repeals*

(2) The Department may by order make such transitional provisions and savings (whether or not involving the modification of any statutory provision) as it considers necessary or expedient in consequence of the provision made by this Order.

**Changes to legislation:**

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