
STATUTORY INSTRUMENTS

2003 No. 412

The Housing (Northern Ireland) Order 2003

PART IV

MISCELLANEOUS AMENDMENTS

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.

(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)”;
- (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) in a certificate of disrepair issued in respect of a dwelling-house under Article 46 of the [Rent \(Northern Ireland\) Order 1978 \(NI 20\)](#), or
- (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.

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.”.

Registration scheme for houses in multiple occupation

144. Schedule 3, which amends Part IV of the Order of 1992 to provide a registration scheme for houses in multiple occupation, shall have effect.

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.