

**EXPLANATORY MEMORANDUM TO**  
**THE EMERGENCY GRANTS (ELIGIBLE TENANTS) (AMENDMENT)**  
**ORDER (NORTHERN IRELAND) 2013**

**S.R. 2013 No. 164**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 29A(2)(c) of the Housing (Northern Ireland) Order 1988 and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. The Statutory Rule specifies descriptions of tenancies to which Article 29A of the Housing (Northern Ireland) Order 1988 applies.

**3. Background**

- 3.1. Article 29A(1) of the Housing (Northern Ireland) Order 1988 requires that the Northern Ireland Housing Executive shall submit to the Department a scheme for paying grant to eligible tenants who are unable or unwilling to occupy their homes in consequence of acts of violence, threats to commit such acts or other intimidation. Article 29A(2) defines eligible tenants as persons who have a secure tenancy, a protected or statutory tenancy, or a tenancy of another description specified by order of the Department. The Emergency Grants (Eligible Tenants) Order (Northern Ireland) 2004 specifies introductory tenancies as a description of tenancy to which Article 29A applies.
- 3.2. There is no authority in Article 29A of the 1988 Order or in the Emergency Grants (Eligible Tenants) Order (Northern Ireland) 2004 to pay emergency grant to private sector tenants other than protected or statutory tenants. On the basis that all tenants in the private rented sector should be eligible for emergency grant, the Statutory Rule amends the Emergency Grants (Eligible Tenants) Order (Northern Ireland) 2004 to specify that private tenancies, other than protected and statutory tenancies which are already specified in Article 29A of the 1988 Order, as a description of tenancy to which Article 29A applies.

**4. Consultation**

- 4.1. There is no requirement to consult on the Statutory Rule as it is intended to provide statutory cover for an existing policy.

**5. Equality Impact**

- 5.1. An Equality Impact Assessment is not considered necessary as no implications for equality of opportunity have been identified.

## **6. Regulatory Impact**

- 6.1. The Statutory Rule does not require a Regulatory Impact Assessment as it has no impact on costs for business, charities or voluntary bodies.

## **7. Financial Implications**

- 7.1. None.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that the Statutory Rule is not incompatible with any of the Convention Rights or Community law, does not discriminate against any person or class of person on the grounds of religious belief or political opinion and does not modify any enactment in breach of section 7 of that Act.

## **9. EU Implications**

- 9.1. Not applicable.

## **10. Parity or Replicatory Measure**

- 10.1. There is no equivalent provision in any other part of the United Kingdom.

## **11. Additional Information**

- 11.1. Not applicable.