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*Number 43 of 2004*

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**HOUSING (MISCELLANEOUS PROVISIONS) ACT 2004**

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ARRANGEMENT OF SECTIONS

Section

1. Amendment of section 9 of Housing (Miscellaneous Provisions) Act 2002.
  2. Amendment of section 99 of Planning and Development Act 2000.
  3. Short title and collective citation.
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[No. 43.] *Housing (Miscellaneous Provisions) Act 2004.* [2004.]

ACTS REFERRED TO

|   |              |
|---|--------------|
| Building Societies Act 1989                 | 1989, No. 17 |
| Central Bank Act 1971                       | 1971, No. 24 |
| Conveyancing Acts 1881 to 1911              |              |
| Family Home Protection Act 1976             | 1976, No. 27 |
| Housing Acts 1966 to 2002                   |              |
| Housing (Miscellaneous Provisions) Act 2002 | 2002, No. 9  |
| Planning and Development Act 2000           | 2000, No. 30 |
| Planning and Development Acts 2000 to 2002  |              |
| Registration of Title Act 1964              | 1964, No. 16 |



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Number 43 of 2004

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## HOUSING (MISCELLANEOUS PROVISIONS) ACT 2004

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AN ACT TO MAKE PROVISION IN RELATION TO THE REPAYMENT OF CERTAIN AMOUNTS THAT MAY BECOME PAYABLE TO HOUSING AUTHORITIES OR PLANNING AUTHORITIES ON THE SUBSEQUENT SALE OF CERTAIN HOUSES OR LANDS THAT HAVE BEEN PROVIDED OR MADE AVAILABLE BY THEM AND, FOR THAT PURPOSE, TO AMEND SECTION 9 OF THE HOUSING (MISCELLANEOUS PROVISIONS) ACT 2002 AND SECTION 99 OF THE PLANNING AND DEVELOPMENT ACT 2000. [21st December, 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—Section 9 of the Housing (Miscellaneous Provisions) Act 2002 is amended by inserting the following subsection after subsection (3):

Amendment of section 9 of Housing (Miscellaneous Provisions) Act 2002.

“(3A) (a) As soon as practicable after an affordable house is sold in accordance with this Part, the housing authority shall make an order charging the house with an amount that shall be expressed in the order in the following terms.

(b) Those terms are that the amount charged is an amount equal to the amount (if any) that may subsequently become payable under subsection (3)(a) in respect of the affordable house.

(c) An order under paragraph (a) shall be deemed to be a mortgage made by deed within the meaning of the Conveyancing Acts 1881 to 1911 and to have been executed, at the time of the sale of the affordable house in accordance with this Part, in favour of the housing authority for a charge of the amount referred to in paragraph (b).

(d) Accordingly, the housing authority shall, as on and from the making of such an order in respect of a house—

(i) be deemed to be a mortgagee of the house for the purposes of the Conveyancing Acts 1881 to 1911, and

(ii) have in relation to the charge referred to in paragraph (c) all the powers conferred by those Acts on mortgagees under mortgages made by deed.