Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing (Northern Ireland) Order 1992. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1992 No. 1725 (N.I. 15)

The Housing (Northern Ireland) Order 1992 [F1]

- - - - - - *15th July 1992*

F1 functions transf. by SR 1999/481

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Housing (Northern Ireland) Order 1992.

(2) Subject to paragraph (3), this Order shall come into operation on the expiration of 2 months from the day on which it is made.

(3) Part III, Schedule 3 and Part II of Schedule 9 (and Article 108(1) in so far as it relates to that Part of that Schedule) shall come into operation on such day as the Head of the Department may by order appoint[F2].

(4) The following Orders—

(a) the Housing (Northern Ireland) Order 1981[F3];

(b) the Housing (Northern Ireland) Order 1983[F4];

(c) the Housing (Northern Ireland) Order 1986[F5];

(d) the Housing (Northern Ireland) Order 1988[F6]; and

(e) this Order,

may be cited together as the Housing (Northern Ireland) Orders 1981 to 1992.

F2 fully exercised by SR 1992/402
F3 1981 NI 3
F4 1983 NI 15
F5 1986 NI 13
F6 1988 NI 23

General interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F7] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the Department" means the Department of the Environment;

"the Executive" means the Northern Ireland Housing Executive;

"the Order of 1981" means the Housing (Northern Ireland) Order 1981;

"the Order of 1983" means the Housing (Northern Ireland) Order 1983;

"the Order of 1986" means the Housing (Northern Ireland) Order 1986;

"the Order of 1988" means the Housing (Northern Ireland) Order 1988; and

"prescribe" means prescribe by regulations made by the Department.

(3) Expressions used in this Order and defined in the Order of 1981 or the Order of 1983 shall, unless the context otherwise requires, have the meanings given in the Order of 1981 or the Order of 1983, as the case may be.

F7 1954 c.33 (N.I.)

PART II

HOUSING ASSOCIATIONS

Part II: Interpretation

3. In this Part—

"the Act of 1969" means **[**[F8]the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969**]**[F9];

"charity" has the same meaning as in the Charities Act (Northern Ireland) 1964[F10];

"committee" has the same meaning as in section 101(1) of the Act of 1969;

[[F11]"company" means a company registered under the Companies Act 2006;**]**

"equity-sharing lease" has the meaning given in Article 31(6)(a) of the Order of 1981;

"housing activities", in relation to a registered housing association, means all its activities in pursuance of such of its purposes, objects or powers as are of a description mentioned in—

(a) paragraph (a) of the definition of "housing association", or

(b) paragraphs (2) to (4) of Article 15;

"housing association" means a society, body of trustees or company—

(a) which is established for the purpose of, or amongst whose objects or powers are included those of, providing, constructing, improving or managing, or facilitating or encouraging the construction or improvement of housing accommodation, and

(b) which does not trade for profit or whose constitution or rules prohibit the issue of capital with interest or dividend exceeding such rate as may be prescribed by the Department of Finance and Personnel, whether with or without differentiation between share and loan capital;

"housing trust" means a corporation or body of persons which—

(a) is required by the terms of its constituent instrument to use the whole of its funds, including any surplus which may arise from its operations, for the purpose of providing housing accommodation, or

(b) is required by the terms of its constituent instrument to devote the whole, or substantially the whole, of its funds to charitable purposes and in fact uses the whole, or substantially the whole, of its funds for the purpose of providing housing accommodation;

"registrar" means the Registrar for the purposes of the Act of 1969;

"registered" means registered in the register of housing associations maintained under Article 14;

"self-build society" means a housing association whose object is to provide, for sale to, or occupation by, its members, houses built or improved principally with the use of its members' own labour;

"society" means a society registered under the Act of 1969;

"unregistered self-build society" means a self-build society which is not a registered housing association; and

"voluntary organisation" means an organisation whose activities are not carried on for profit.

F8 Words in art. 3 substituted (6.4.2018) by Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16), s. 17(2), **Sch. 1 para. 26**; S.R. 2017/217, art. 2(d)
F9 1969 c.24 (N.I.)
F10 1964 c.33 (N.I.)
F11 Art. 3: definition of "company" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 138(2)** (with art. 10)

CHAPTER I

FUNCTIONS OF HOUSING ASSOCIATIONS

Functions of the Department

4.—(1) Without prejudice to any specific function conferred on the Department by or under this Part or any other statutory provision, the Department may—

(a) promote and assist the development of registered housing associations and of unregistered self-build societies;

(b) facilitate the proper exercise and performance of the functions, and publicise the aims and principles, of registered housing associations and unregistered self-build societies;

(c) establish and maintain a register of housing associations, **[**[F12]and exercise supervision and control over registered housing associations.**]**

(2) In the exercise of its functions under paragraph (1)(a) the Department may, with the approval of the Department of Finance and Personnel, make such contributions as it may determine towards the administrative and other expenses of registered housing associations, unregistered self-build societies and such bodies as appear to it to be representative of housing associations.

(3) In exercising its functions under paragraph (1)(a) and (b) the Department may, with the consent of the Department of Finance and Personnel, make grants to voluntary organisations which are not registered housing associations towards the expenses incurred by them in carrying out the

objects mentioned in Article 15(3)(f); and any such grant may be made subject to such conditions as the Department may, with the consent of the Department of Finance and Personnel, determine.

(4) For the purposes of paragraph (2) the term "registered housing association" shall include an unregistered housing association which at the date of payment of the contribution has made application to the Department for registration under Article 16 and the application has not yet been disposed of by the Department.

F12 Words in art. 4(1)(c) substituted (1.4.2007) by Housing (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/3337 (N.I. 22)), arts. 1(3), 3, **Sch. para. 2**; S.R. 2007/37, **art. 2**

Power of housing trusts to hold land

5. For the purpose of constructing, improving or repairing, or facilitating or encouraging the construction, improvement or repair of, housing accommodation, a housing trust—

(a) may acquire and dispose of any estate in land; and

(b) if it is not already a body corporate shall, for the purpose of holding any estate in land acquired under this Article, and of suing and being sued in respect thereof, be deemed to be a body corporate with perpetual succession, and consequently for the purpose of acquiring, holding or disposing of such an estate shall have a common seal.

Borrowing by housing associations

6.—(1) The Department may, on such terms and subject to such conditions as it thinks fit, make loans to—

(a) registered housing associations, and

(b) unregistered self-build societies,

for the purpose of enabling those bodies to meet the whole or any part of any expenditure incurred, or to be incurred, by them in carrying out their objects.

(2) Where the Department makes a loan to a registered housing association under paragraph (1), so long as any part of the principal of, or any interest on, the loan remains outstanding, the loan shall be a charge on all the revenues of that association and, subject to any statutory provision to the contrary, the charge shall rank equally with other charges on those revenues.

(3) The Department may guarantee, in such manner and on such conditions as it may think fit, the repayment of the principal of, and the payment of interest on, any sums which a registered housing association or an unregistered self-build society borrows from any person.

(4) Any sum required by the Department for fulfilling a guarantee under paragraph (3) shall be charged on and issued out of the Consolidated Fund, and for the purpose of providing such issues the Department of Finance and Personnel may borrow money.

[F13Realisation 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.**]**

F13 2003 NI 2

Recovery of possession of premises let by a housing association

7.—(1) Subject to paragraph (2), on the termination of the tenancy of any premises let by a housing association, possession of the premises may (without prejudice to any other method of recovery) be recovered by the housing association in a summary manner under Part VI of the Magistrates' Courts (Northern Ireland) Order 1981[F14] relating to ejectment proceedings, whatever may be the rent or term of the tenancy.

(2) Paragraph (1) does not apply to any tenancy which is a secure tenancy within the meaning of Article 25 of the Order of 1983.

F14 1981 NI 26

Rents

8.—(1) Subject to the following provisions of this Article, a registered housing association may fix the amount of rent to be charged for any housing accommodation which it provides—

(a) under a tenancy granted by it on or after the day of the coming into operation of this Part; or

(b) under a tenancy—

(i) granted by it before that day, and

(ii) in respect of which the Department has not made a determination under paragraph (2).

(2) The Department, if it considers it appropriate to do so, may make a determination with respect to the rent to be charged under a tenancy granted by a registered housing association before the day of the coming into operation of this Part.

[[F15](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.**]**

(4) For the purposes of**[**[F15] paragraph (2)**]** the Department—

(a) may make a determination with respect to a particular tenancy or a general determination with respect to a class of tenancy or to tenancies generally; and

(b) may make exceptions to a general determination.

(5) A general determination—

(a) shall be made with the consent of the Department of Finance and Personnel; and

(b) may fix a rent in such manner as the Department considers appropriate including, in particular, by reference to a scheme made under Article 17 of the Order of 1981 (scheme to determine rent to be charged by the Executive).