STATUTORY INSTRUMENTS

1988 No. 1990 (N.I. 23)

The Housing (Northern Ireland) Order 1988 [F1]

- - - - - - *14th November 1988*

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 1988.

(2) The following provisions shall come into operation on such day or days as the Head of the Department may by order appoint[F2]

(a) Part II;

(b) Article 32, in so far as it relates to the provision mentioned in sub#paragraph (*d*);

(c) Schedule 1; and

(d) in Schedule 3, paragraph (*b*) of the repeal relating to Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972.

[F3](3) The other provisions of this Order shall come into operation on the expiration of 2 months from the day on which it is made.

F2 fully exercised by SR 1989/42
F3 1972 NI 14

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F4] 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[F5];

"the Order of 1983" means the Housing (Northern Ireland) Order 1983[F6];

"the Order of 1986" means the Housing (Northern Ireland) Order 1986[F7].

F4 1954 c. 33 (NI)
F5 1981 NI 3
F6 1983 NI 15
F7 1986 NI 13

PART II

HOUSING THE HOMELESS

Main definitions

Homelessness and threatened homelessness

3.—(1) A person is homeless if he has no accommodation**[**[F8] available for his occupation in the United Kingdom or elsewhere**]**.

(2) A person shall be treated as having no accommodation if there is no accommodation which he, together with any other person who normally resides with him as a member of his family or in circumstances in which it is reasonable for that person to reside with him—

(a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court, or

(b) has an express or implied licence to occupy, or

(c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession.

(3) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

(4) Regard may be had, in determining whether it would be reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in Northern Ireland.

(5) A person is also homeless if he has accommodation but—

(a) he cannot secure entry to it, or

(b) it is probable that occupation of it will lead to violence from some other person residing in it or to threats of violence from some other person residing in it and likely to carry out the threats, or

(c) it consists of a movable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted to place it and to reside in it.

(6) A person is threatened with homelessness if it is likely that he will become homeless within 28 days from the day on which he gives written notice to the Executive that he is threatened with homelessness.

F8 2003 NI 2

Meaning of accommodation available for occupation

4. For the purposes of this Part accommodation shall be regarded as available for a person's occupation only if it is available for occupation both by him and by any other person who might reasonably be expected to reside with him; and references to securing accommodation for a person's occupation shall be construed accordingly.

Priority need for accommodation

5.—(1) The following have a priority need for accommodation—

(a) a pregnant woman or a person with whom a pregnant woman resides or might reasonably be expected to reside;

(b) a person with whom dependent children reside or might reasonably be expected to reside;

(c) a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;

(d) a person who is homeless or threatened with homelessness as a result of an emergency such as a food, fire or other disaster;

(e) a person without dependent children who satisfies the Executive that he has been subject to violence and is at risk of violent pursuit or, if he returns home, is at risk of further violence;

(f) a young person who satisfies the Executive that he is at risk of sexual or financial exploitation.

(2) In paragraph (1)(*f*) "young person" means a person who is over compulsory school age (within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986[F9]) and has not attained the age of 21 years.

(3) The Department may by order made subject to affirmative resolution—

(a) specify further descriptions of persons as having a priority need for accommodation, and

(b) amend or revoke any part of paragraph (1) or (2).

F9 1986 NI 3

Becoming homeless intentionally

6.—(1) A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation, whether in Northern Ireland or elsewhere, which is available for his occupation and which it would have been reasonable for him to continue to occupy.

(2) A person becomes threatened with homelessness intentionally if he deliberately does or fails to do anything the likely result of which is that he will be forced to leave accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.

(3) For the purposes of paragraph (1) or (2) an act or omission in good faith on the part of a person who was unaware of any relevant fact shall not be treated as deliberate.

[[F10](3A) A person shall be treated as becoming homeless intentionally, or as becoming threatened with homelessness intentionally, if—

(a) he enters into an arrangement under which he is required to cease to occupy accommodation which it would be reasonable for him to continue to occupy, and

(b) the purpose of the arrangement is to enable him to become entitled to assistance under this Part,

and there is no other good reason why he is homeless.**]**

(4) Regard may be had, in determining whether it would have been reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in Northern Ireland.

F10 2003 NI 2

[F11 Executive to publish homelessness strategy and provide advice about homelessness

F11 Arts. 6A-6C and preceding cross-heading inserted (31.7.2010) by Housing (Amendment) Act (Northern Ireland) 2010 (c. 9), **ss. 1**, 19(1); S.R. 2010/251, **art. 2**

Duty of Executive to formulate a homelessness strategy

6A.—(1) The Executive may formulate and publish a homelessness strategy.

(2) The Regional Agency and the Regional Board shall give such assistance in connection with the exercise of the power under paragraph (1) as the Executive may reasonably require.

(3) The Executive shall exercise that power so as to ensure that the first homelessness strategy is published within the period of 12 months beginning with the day on which section 1 of the Housing (Amendment) Act (Northern Ireland) 2010 comes into operation.

(4) The Executive shall exercise that power so as to ensure that a new homelessness strategy is published within the period of 5 years beginning with the day on which its last homelessness strategy was published.

(5) The following shall take the homelessness strategy into account in the exercise of their functions—

(a) the Executive;

(b) the Regional Board;

(c) Health and Social Care trusts;

(d) education and library boards;

(e) registered housing associations;

(f) district councils;

(g) the Secretary of State (in relation to any function exercisable in connection with prisons in Northern Ireland);

(h) the Probation Board for Northern Ireland;

(i) the Department of Education;

(j) the Department for Employment and Learning;

(k) the Department of Health, Social Services and Public Safety;

(l) the Department for Social Development.

(6) Nothing in paragraph (5) affects any duty or requirement arising apart from this Article.

Homelessness strategy

6B.—(1) For the purposes of this Order "homelessness strategy" means a strategy for—

(a) preventing homelessness in Northern Ireland;

(b) securing that sufficient accommodation is and will be available for people in Northern Ireland who are or may become homeless;

(c) securing the satisfactory provision of advice and assistance for people in Northern Ireland—

(i) who are or may become homeless; or

(ii) who have been homeless and need advice and assistance to prevent them becoming homeless again.

(2) A homelessness strategy may include specific objectives to be pursued, and specific action planned to be taken, in the course of the exercise of—

(a) the functions of the Executive;

(b) the functions of the Regional Board; or

(c) the functions of Health and Social Care trusts.

(3) A homelessness strategy may also include provision relating to specific action which the Executive expects to be taken—

(a) by any statutory body with functions (not being functions mentioned in paragraph (2)) which are capable of contributing to the achievement of any of the objectives mentioned in paragraph (1); or

(b) by any voluntary organisation or other person whose activities are capable of contributing to the achievement of any of those objectives.

(4) The inclusion in a homelessness strategy of any provision relating to action mentioned in paragraph (3) requires the approval of the body or person concerned.

(5) In formulating a homelessness strategy the Executive shall consider (among other things) the extent to which any of the objectives mentioned in paragraph (1) can be achieved through action involving two or more of the bodies or other persons mentioned in paragraphs (2) and (3).

(6) The Executive shall keep its homelessness strategy under review and may modify it.

(7) If the Executive modifies its homelessness strategy, it shall publish the modifications or the strategy as modified (as it considers most appropriate).

(8) Before adopting or modifying a homelessness strategy the Executive shall consult such statutory bodies, voluntary organisations or other persons as it considers appropriate.

(9) The Executive shall—

(a) make a copy of everything published under Article 6A or this Article available at its district offices for inspection at all reasonable hours, without charge, by members of the public; and

(b) provide (on payment, if required by the Executive, of a reasonable charge) a copy of anything so published to any member of the public who asks for one.

Articles 6A and 6B: interpretation

6C In Articles 6A and 6B—

"the Regional Agency" means the Regional Agency for Public Health and Social Well-being established under section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;

"the Regional Board" means the Regional Health and Social Care Board established under section 7 of that Act;

"registered housing association" means a registered housing association within the meaning of Part 2 of the Housing (Northern Ireland) Order 1992;