Changes to legislation: *Housing (Northern Ireland) Order 1981 is up to date with all changes known to be in force on or before 11 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1981 No. 156 (N.I. 3)

Housing (Northern Ireland) Order 1981 [F1]

\- - - - - - *10th February 1981*

F1 functions transf. by SR 1999/481

PART I

INTRODUCTORY

Title and commencement

1. This Order may be cited as the Housing (Northern Ireland) Order 1981 … *Commencement* …

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 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—

"building regulations" means building regulations made under the Building Regulations (Northern Ireland) Order 1972 or under the Building Regulations (Northern Ireland) Order 1979 ;

[[F2]"building society" means a building society within the meaning of the Building Societies Act 1986**]**

"clearance area" means an area declared to be a clearance area under Article 32;

"closing order" means an order under Article 38;

"the Council" means the Northern Ireland Housing Council;

"demolition order" means an order under Article 35;

"the Department" means the Department of the Environment;

"exclusion order" means an order under Article 34;

"the Executive" means the Northern Ireland Housing Executive;

"flat" means a separate and self-contained set of premises constructed for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally;

"hostel" means a building wherein is provided for persons generally, or for a class or classes of persons, residential accommodation (otherwise than in separate or self-contained sets of

premises) and either board or facilities for the preparation of food adequate to the needs of those persons, or both;

"house" includes (subject to paragraph (3))—

(a) any part of a building, being a part which is occupied or intended to be occupied as a separate dwelling,

(b) a flat,

(c) any yard, garden, outhouse and appurtenances belonging to a house, or usually enjoyed therewith, and

(d) the site of a house;

[[F3]"house in multiple occupation" has the meaning given in **[**[F4]section 1 of the Houses in Multiple Occupation Act (Northern Ireland) 2016**]** ;**]**

"housing accommodation" means houses, houses in multiple occupation and hostels;

"housing action area" mean an area declared to be a housing action area under Article 52;

"mortgage" includes a charge;

"net annual value" has the same meaning as in Article 31(3) of the Land Acquisition and Compensation (Northern Ireland) Order 1973 ;

"owner", in relation to land—

(a) means a person, other than a mortgagee not in possession, who, whether in his own right or as a trustee for any other person and whether alone or jointly or in common with any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let; and

(b) includes, where notice under this Order is required to be served on an owner, any person who as agent is entitled to receive the rack rent of the land.

"prescribed", except in relation to "prescribed rate", means prescribed by regulations made by the Department;

"prescribed rate", in relation to interest, means such rate as is determined by an order made by the Department of Finance for the purposes of paragraph 18(2) of Schedule 6 to the Local Government Act (Northern Ireland) 1972 ;

"rack rent", in relation to a house, means a rent which is not less than two-thirds of the net annual value of the house, or a rent which has been fixed in accordance with the Rent (Northern Ireland) Order 1978 ;

Definition rep. by 1992 NI 15

"repair notice" means notice under Article 41;

"statutory provision" has the same meaning as in section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 ;

"unfit for human habitation" shall be construed in accordance with Article 46.

(3) In Chapters II and III of Part III references to a house include a reference to a hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been on substantially the same site or enclosed within the same area for a period of not less than one year.

Paras. (4)#(5) rep. by 2003 NI 2

F2 1986 c. 53

F3 1992 NI 15

F4 Words in art. 2(2) substituted (1.4.2019) by Houses in Multiple Occupation Act (NorthernIreland) 2016 (c. 22), s. 90(2), **Sch. 7 para. 3(1)**; S.R. 2019/39, art. 2 (with art. 3)

[F5Meaning of member of a person's family

2A.—(1) For the purposes of this Order a person is a member of another's family if—

(a) he is the spouse[F6 or civil partner] of that person, or he and that person live together as husband and wife[F6 or as if they were civil partners], or

(b) he is that person's parent, grandparent, child, grandchild, brother, or sister.

(2) For the purpose of paragraph (1)(b)—

(a) a relationship by marriage[F6 or civil partnership] shall be treated as a relationship by blood,

(b) a relationship of the half-blood shall be treated as a relationship of the whole blood, and

(c) the stepchild of a person shall be treated as his child.]

F5 2003 NI 2
F6 2004 c. 33

PART II

THE NORTHERN IRELAND HOUSING EXECUTIVE

CHAPTER I

THE NORTHERN IRELAND HOUSING EXECUTIVE AND COUNCIL

The Northern Ireland Housing Executive

3.—(1) The public authority and body corporate known as the Northern Ireland Housing Executive shall continue in being as such and section 19 of the Interpretation Act (Northern Ireland) 1954 shall continue to apply to it.

(2) The Executive shall exercise such functions as are conferred on it by this Order.

(3) Schedule 1 shall have effect with respect to the members and proceedings of the Executive and the other matters there dealt with.

The Northern Ireland Housing Council

4.—(1) The Northern Ireland Housing Council shall continue in being as such and shall consider any matter affecting housing—

(a) which is referred to the Council by the Department or the Executive; or

(b) which appears to the Council to be a matter to which consideration ought to be given.

(2) Where it appears to the Council to be desirable to do so, the Council may make recommendations to the Department or the Executive with respect to any matter which it has considered, and the Department or the Executive shall consider any such recommendations.

(3) If it appears to the Council that the Executive—

(a) has unreasonably rejected any recommendation made to it by the Council; or

(b) has failed to consider any such recommendation within a reasonable time;

the Council may, after consulting the Executive, make representations to the Department as to the action which, in the opinion of the Council, ought to be taken as regards the matter dealt with in the recommendation.

(4) Where the Department receives representations under paragraph (3), it may, after consulting the Executive, give to it such directions as the Department considers fit with respect to the matters dealt with in the representations.

(5) The Executive shall—

(a) provide—

(i) such officers and servants and such accommodation, and

(ii) such facilities and financial or other assistance,

as are required for the proper discharge of the Council's functions; and

(b) make available to the Council such information in the possession of the Executive as the Council may reasonably require.

(6) If the Council and the Executive disagree as to the officers and servants or the accommodation, facilities or financial or other assistance to be provided, or information to be made available under paragraph (5), paragraphs (3) and (4) shall apply as if the matter were one on which the Executive had unreasonably rejected a recommendation of the Council.

(7) Schedule 2 shall have effect with respect to the members and proceedings of the Council and the other matters there dealt with.

Staff of the Executive

5.—(1) Paragraph (2) shall have effect with respect to the powers of the Executive under section 19 of the Interpretation Act (Northern Ireland) 1954 to employ staff.

(2) The numbers, terms and conditions of employment, remuneration, appointment, removal from office, suspension or re-instatement and qualifications of such of the staff employed by the Executive as the Department may direct, shall be subject to the approval of the Department.

(3) The Executive shall be deemed to be a local authority for the purposes of the Superannuation (Northern Ireland) Order 1972 .

(4) The Executive may, with the consent of the Department, make such provision as it considers desirable for the payment of pensions and other superannuation benefits to or in respect of such of its employees as it may designate for the purposes of this paragraph, and paragraph (3) shall not apply to a person so designated.

(5) The functions of the Local Government Staff Commission for Northern Ireland shall continue to extend to officers of the Executive and for that purpose Part III of, and Schedule 3 to, the Local Government Act (Northern Ireland) 1972 shall continue to have effect in accordance with the amendments set out in Schedule 3.

CHAPTER II

GENERAL FUNCTIONS OF THE EXECUTIVE

General functions of the Executive

6.—(1) The Executive shall—

(a) regularly examine housing conditions and need;

(b) submit to the Department for approval its programme for such years and in such form as the Department may determine for meeting housing need;

(c) consider any proposals of a district council with respect to the exercise of any of the functions of the Executive in the district of the council.

(2) The Department may approve any programme submitted to it under paragraph (1) with or without modifications.

(3) For the purposes of paragraph (1), the Executive may carry out such inspections and surveys as it considers necessary.

(4) The Executive shall establish such housing information and advisory services as it considers desirable.

(5) The Executive may, with the consent of the Department, conduct or promote research into any matter relating to any of its functions.

(Paras)

Consultation by the Executive

7.—(1) The Executive—

(a) shall not less than once in each year consult the Council with respect to any draft programme of the Executive for meeting housing need; and

(b) shall so consult each district council with respect to any draft programme of the Executive for meeting housing need in the council's district.

(2) The Executive shall, when required to do so by the Department, consult district councils with respect to such matters as the Department may determine.

(Para)

Delegation of functions by the Executive

8.—(1) The Department may by order, subject to affirmative resolution, make such provision as it considers fit with respect to the delegation to a district council of any function of the Executive specified in the order.

(2) Where any function is delegated by an order made under paragraph (1), the council shall, in the exercise of that function, act as agent for the Executive and in accordance with such conditions as may be specified in the order.

[F7Housing management scheme

8A.—(1) The Executive may submit to the Department a scheme making provision for the Executive to delegate to other persons such of the Executive's management functions as may be specified in the scheme.

(2) A scheme submitted under paragraph (1) may contain such provision as the Executive considers appropriate.

(3) Without prejudice to the generality of paragraph (2), a scheme submitted under paragraph (1) shall, in particular—

(a) specify—

(i) the category and range of management functions to be delegated by the Executive,

(ii) the form of management agreements by means of which management functions are to be delegated, and

(iii) the procedure for consulting tenants of houses to which a management agreement would apply; and

(b) provide—

(i) that a management agreement is not to be implemented unless it is approved by a majority of the tenants consulted in relation to it in pursuance of sub-paragraph (a)(iii);