Housing (No. 2) Act (Northern Ireland) 1946

1946 CHAPTER 20

An Act to amend and repeal certain enactments relating to housing; to make further provision for the giving of financial assistance to persons providing housing accommodation and for the better execution by local authorities of their functions under the Housing Acts; and for purposes connected with the matters aforesaid. [29th August 1946]

Part I—S.1 rep. by 1951 c.13 (NI); 1976 NI 25; 1977 NI 8;S.2 rep. by 1956 c.10 (NI); Ss.3,4 rep. by 1981 NI 3

PART II

AMENDMENTS OF ACT OF 1946

5 Amendments as to contributions and sums payable under Act of 1946.

Section one of the Act of 1946 shall have effect so as to provide in relation to each new house of such category as may from time to time be prescribed in any order made under section fifteen of this Act which is completed before such date (being a date which may occur before or after the first day of October, nineteen hundred and forty-seven) as may be specified in that order, for the payment of contributions and sums under the said sub-sections (1) and (2) respectively of such amounts (if any) as may be specified in that behalf by that order and, accordingly—

Para.(a) amends s.1 of 1946 c.4 (NI); para.(b) spent; para.(c) rep. by 1969 c.16 (NI)

Changes to legislation: *There are currently no known outstanding effects for the Housing (No. 2) Act (Northern Ireland) 1946. (See end of Document for details)*

PART III

GRANTS FOR PRIVATE HOUSES

S.6 rep. by 1951 c.13 (NI); 1954 c.13 (NI); 1978 NI 2; 1981 NI 3

[F1 7 Statutory conditions affecting houses in respect of which grants are paid.

(1) Where a grant is paid by a [F2 district council] under this Part of this Act in respect of any house the following conditions (in this Part of this Act referred to as "the statutory conditions") shall, until the expiration of the period of five years next after the date of the payment of the grant, apply in relation to such house:—
Para.(a) rep. by 1954 c.13 (NI)

(b) the house shall not be amalgamated with any other house or houses so that such houses together form a single house; and

(c) F3 the house shall not be so enlarged, altered or structurally modified as to exceed in superficial area one thousand and fifty square feet.

(2) The statutory conditions shall be included amongst the matters which are required to be registered in the Statutory Charges Register …F4]

Subs.(3)(4) rep. by 1954 c.13 (NI)

F1 1951 c.13 (NI), 1981 NI 3
F2 SRO (NI) 1973/285
F3 1956 c.10 (NI)
F4 1970 c.18 (NI)

8 Offences and penalties.

Subs.(1) rep. by 1954 c.13 (NI)

(2) Every person guilty of any breach or contravention of any statutory condition imposed by virtue of [F5 paragraphs (*b*) and (*c*)] of sub-section (1) of the last preceding section shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding F6 ... [F6 level 5 on the standard scale] F6.

[F7 (3) In the event of any breach or contravention of any of the statutory conditions there shall forthwith become due and repayable to the [F8 district council] and recoverable upon demand made in writing by the [F8 district council] as a civil debt due to them such sum as bears to the amount of the grant paid by the [F8 district council] in respect of the house to which the breach or contravention relates the same proportion as that portion of the period for which the statutory conditions were imposed which, at the time of the breach or contravention, remains unexpired bears to the whole of the period.

(3A) Where a person has been convicted of an offence under sub-section (2) of this section the court before whom he is convicted may, on such conviction, order that in addition to the amount repayable by him under sub-section (3) of this section he shall repay to the [F8 district council] the balance of the grant paid in respect of the house to which the breach or contravention relates or such lesser sum as the court may think necessary to remedy the breach or contravention and any such order may, without prejudice to any other remedy, be enforced in like manner as an order for the payment of a penal sum.

***Changes to legislation:** There are currently no known outstanding effects for the Housing (No. 2) Act (Northern Ireland) 1946. (See end of Document for details)*

(3B) Where in respect of any house the full amount of a grant or an amount not less than that repayable under sub-section (3) of this section or which would have been so repayable if at the time of the repayment there had been a breach or contravention of the statutory conditions has been repaid to the [F8 district council] the statutory conditions shall cease to apply to that house notwithstanding that the period for which those conditions were imposed has not expired.]

Subs.(4) rep. by 1969 c.16 (NI)

(5) Where any offence punishable under this section has been committed by a body corporate, then, without prejudice to the liability of that body, every person who at the time of such commission was a director or other officer of the body corporate or was purporting to act in any such capacity, shall be liable to be prosecuted as if he had personally committed that offence and shall, if on such prosecution it is shown that he consented to, or connived at, or did not exercise all such diligence as he ought in the circumstances to have exercised to prevent, the offence, be liable to the like conviction and punishment as if he had personally been guilty of that offence.

F5 1951 c.13 (NI)
F6 1984 NI 3
F7 1964 c.26 (NI)
F8 SRO (NI) 1973/285

9 Recoupment to Ministry of proportion of sums recovered by district council.

Where any sum has been received or recovered by a [F9 district council] by way of repayment of any grant made by them under this Part of this Act, the [F9 district council] shall repay to the Ministry such part of that sum as bears to the whole thereof the same proportion as any sum paid by the Ministry to the [F9 district council] in respect of that grant bears to the total amount of the grant.

F9 SRO (NI) 1973/285

10 Power to make regulations.

(1) The Ministry may make regulations prescribing anything which is to be prescribed, and providing for any matter in regard to which regulations may be made under this Part of this Act, and generally for carrying this Part of this Act into effect.

(2) All regulations made under this Part of this Act shall, as soon as may be after they are made, be laid before each House of Parliament. If either House of Parliament, within the statutory period next after any regulation made as aforesaid has been laid before such House, resolves that the regulation shall be annulled, the regulation shall, after the date of the resolution be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.