



# Housing (Amendment) Act (Northern Ireland) 2011

## CHAPTER 22

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# Housing (Amendment) Act (Northern Ireland) 2011

2011 CHAPTER 22

An Act to amend the law relating to housing.

[3rd May 2011]

**B**E IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

## *Private tenancies*

### **Abolition of statement of tenancy terms**

1. Article 4 of the Private Tenancies Order (tenant to be given notice regarding certain matters) is repealed.

### **Tenancy deposit schemes**

2. After Article 5 of the Private Tenancies Order insert—

#### *“Tenancy deposit schemes*

#### **Tenancy deposit schemes**

5A.—(1) The Department may by regulations make provision for securing that one or more tenancy deposit schemes are available for the purpose of safeguarding tenancy deposits paid in connection with private tenancies.

(2) A “tenancy deposit scheme” is a scheme which is made for the purpose of safeguarding tenancy deposits paid in connection with private tenancies and facilitating the resolution of disputes arising in connection with such deposits.

(3) Regulations under paragraph (1)—

- (a) must provide for the appointment of a body or person (“the scheme administrator”) to establish and maintain a scheme of a prescribed description;
  - (b) must provide that a scheme or an amendment to a scheme does not come into force unless approved by the Department;
  - (c) may confer or impose on the scheme administrator such powers or duties in connection with a scheme as are prescribed;
  - (d) may provide for information held by a scheme administrator to be disclosed to prescribed persons for prescribed purposes.
- (4) The Department may make payments to a scheme administrator.
- (5) In this Article and Article 5B—
- “money” means money in the form of cash or otherwise;
  - “tenancy deposit”, in relation to a private tenancy, means any money intended to be held (by the landlord or otherwise) as security for—
    - (a) the performance of any obligations of the tenant arising under or in connection with the tenancy, or
    - (b) the discharge of any liability of the tenant so arising.
- (6) In this Article and Article 5B references to a landlord in relation to any private tenancy include references to a person acting on behalf of the landlord in relation to the tenancy.

#### **Requirements relating to tenancy deposits**

5B.—(1) Any tenancy deposit paid to a person in connection with a private tenancy must, as from the time when it is received, be dealt with in accordance with an approved scheme.

(2) A person must not require the payment of a tenancy deposit in connection with a private tenancy which is not to be subject to the requirement in paragraph (1).

(3) Where a landlord receives a tenancy deposit in connection with a private tenancy, the initial requirements of an approved scheme must be complied with by the landlord in relation to the deposit within the period of 14 days beginning with the date on which it is received.

(4) For the purposes of this Article “the initial requirements” of an approved scheme are such requirements imposed by the scheme as fall to be complied with by a landlord on receiving such a tenancy deposit.

(5) A landlord who has received such a tenancy deposit must give the tenant and any relevant person such information relating to—

- (a) the approved scheme applying to the deposit,
- (b) compliance by the landlord with the initial requirements of the scheme in relation to the deposit, and
- (c) the operation of this Article and Article 5A in relation to the deposit,

as may be prescribed.

(6) The information required by paragraph (5) must be given to the tenant and any relevant person—

- (a) in the prescribed form or in a form substantially to the same effect, and
- (b) within the period of 28 days beginning with the date on which the deposit is received by the landlord.

(7) A person must not, in connection with a private tenancy, require a deposit which consists of property other than money.

(8) In paragraph (7) “deposit” means a transfer of property intended to be held (by the landlord or otherwise) as security for—

- (a) the performance of any obligations of the tenant arising under or in connection with the tenancy, or
- (b) the discharge of any liability of the tenant so arising.

(9) The provisions of this Article apply despite any agreement to the contrary.

(10) A person who contravenes paragraph (7) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person who contravenes any other provision of this Article is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

(12) In this Article—

“approved scheme” means a scheme for the time being in force under Article 5A;

“property” means moveable property;

“relevant person” means any person who, in accordance with arrangements made with the tenant, paid the deposit on behalf of the tenant.”.

### **Length of notice to quit**

**3.**—(1) Article 14 of the Private Tenancies Order (length of notice to quit) is amended as follows.

(2) In paragraph (1) for “4 weeks” substitute “the relevant period”.

(3) After that paragraph insert—

“(1A) For the purposes of paragraph (1) the relevant period is—

- (a) 4 weeks, if the tenancy has not been in existence for more than 5 years;
- (b) 8 weeks, if the tenancy has been in existence for more than 5 years but not for more than 10 years;
- (c) 12 weeks, if the tenancy has been in existence for more than 10 years.”.

(4) This section—

- (a) applies whether the private tenancy was granted before or after the date on which this section comes into operation; but
- (b) does not apply in relation to a notice to quit given before that date.

#### **Power of entry to inspect dwelling-house**

**4.** In Article 36 of the Private Tenancies Order (functions of council on application to have dwelling-house inspected) after paragraph (1) insert—

“(1A) A person authorised by the appropriate district council in relation to this Article may, at any reasonable time and having given at least 24 hours' notice to the occupier, and to the owner if known, enter a dwelling-house for the purpose of an inspection under paragraph (1).

(1B) An authorisation under paragraph (1A)—

- (a) shall be in writing; and
- (b) shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf.”.

#### **Power to modify Articles 42 to 45**

**5.**—(1) After Article 45 of the Private Tenancies Order insert—

##### **“Power to amend Articles 42 to 45**

45A.—(1) The Department may by regulations modify any provision of Articles 42 to 45 and Schedule 2.

(2) Regulations under this Article may make such consequential modifications of other provisions of this Chapter as appear to the Department to be necessary or appropriate.”.

(2) In Article 44(3) omit the words from “including” to the end.

#### **Disclosure of information**

**6.** After Article 64 of the Private Tenancies Order insert—

##### **“Disclosure of information for purposes of Parts 2 to 4**

64A.—(1) This Article applies to any relevant information which is held—

- (a) by the Department of Finance and Personnel for the purposes of—
  - (i) its functions under the Rates (Northern Ireland) Order 1977 or the Rates (Capital Values, etc.) (Northern Ireland) Order 2006; or
  - (ii) the administration of housing benefit; or
- (b) by the Northern Ireland Housing Executive for the purposes of the administration of housing benefit.

(2) Relevant information to which this Article applies must, if an authorised officer of the appropriate council so requires, be supplied to that council for the purpose of enabling or assisting that council to exercise its functions under any provision of Part 2, 3 or 4.

- (3) Any requirement under paragraph (2) must specify—
- (a) the description of relevant information which is to be supplied;
  - (b) the form in which that information is to be supplied; and
  - (c) the date by which that information is to be supplied.
- (4) This Article—
- (a) does not limit the circumstances in which information may be supplied apart from this Article; but
  - (b) has effect despite any restriction on the purposes for which relevant information may be disclosed or used.
- (5) In this Article—
- “authorised officer”, in relation to a council, means an officer of the council authorised for the purposes of this Article by the council;
- “housing benefit” means housing benefit provided by virtue of a scheme under section 122 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- “relevant information” means information as to—
- (a) the location, age, size or description of a dwelling-house let under a private tenancy;
  - (b) the name and address of the landlord or tenant of such a dwelling-house or of any person acting as an agent of the landlord.

### **Unauthorised disclosure of information**

- 64B.—(1) An employee of a council commits an offence if he discloses without lawful authority any information—
- (a) which he acquired in the course of his employment;
  - (b) which is, or is derived from, information supplied to the council under Article 64A; and
  - (c) which relates to a particular dwelling-house or person.
- (2) It is not an offence under this Article to disclose information which has previously been disclosed to the public with lawful authority.
- (3) It is a defence for a person charged with an offence under this Article to show that at the time of the alleged offence—
- (a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or
  - (b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.
- (4) A person who is guilty of an offence under this Article shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(5) For the purposes of this Article a disclosure of information is to be regarded as made with lawful authority if, and only if, it is made—

- (a) in accordance with his official duty by an employee of the council;
- (b) in accordance with any statutory provision or order of a court;
- (c) for the purposes of any criminal proceedings; or
- (d) with the consent of the person to whom the information relates.”.

### **Registration of landlords**

7. After Article 65 of the Private Tenancies Order insert—

#### *“Registration of landlords*

#### **Registration of landlords**

65A.—(1) The Department may by regulations provide for the registration of landlords of dwelling-houses let under a private tenancy.

(2) Regulations under this Article may in particular make provision for—

- (a) the appointment of a body or person (“the registrar”) to establish and maintain a register;
- (b) the maintenance of the register, including provision as to the information which is to be included in, or excluded from, the register;
- (c) imposing a requirement to register on all landlords mentioned in paragraph (1), subject to any prescribed exceptions;
- (d) the procedure for registration, including provision about the information to be provided for the purposes of registration;
- (e) the conditions to be satisfied for registration or continued registration;
- (f) the fees (if any) payable for registration or continued registration;
- (g) appeals against decisions of the registrar under the regulations;
- (h) information held by the registrar which is not included in the register to be disclosed to prescribed persons for prescribed purposes.

(3) The registrar must make the register available for public inspection without charge at such place and at such times as the registrar considers appropriate.

(4) A person commits an offence if—

- (a) he provides false information for the purposes of registration under this Article;
- (b) not being a person registered under this Article, he lets a dwelling-house under a private tenancy;

(c) being a person registered under this Article, he fails to provide evidence of registration in prescribed circumstances.

(5) A person guilty of an offence under paragraph (4)(a) or (b) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) A person guilty of an offence under paragraph (4)(c) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) If on an application made to it by a district council, the county court is satisfied that—

(a) a person has been convicted of an offence under paragraph (4)(b), and

(b) that person is continuing after that conviction to contravene paragraph (4)(b),

the court may make an order requiring that person to register under this Article within such period not being less than 28 days from the date of the order) as the court may specify.”.

#### **Fixed penalty for certain offences**

8. After Article 68 of the Private Tenancies Order insert—

##### **“Fixed penalty for certain offences**

68A.—(1) This Article applies where on any occasion an authorised officer of a district council has reason to believe that a person (“P”) has committed—

(a) an offence under Article 5B(10) or (11); or

(b) an offence under Article 65A(4).

(2) The authorised officer may give P a notice in the prescribed form offering P the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.

(3) A fixed penalty payable under this Article is payable to the district council whose officer gave the notice.

(4) Where P is given a notice under this Article in respect of an offence—

(a) no proceedings may be instituted for that offence before the expiration of the period of 14 days, or such other period as may be specified in the notice, following the date of the notice; and

(b) P may not be convicted of that offence if P pays the fixed penalty before the expiration of that period.

(5) A notice under this Article must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.

(6) A notice under this Article must also state—

(a) the period during which, by virtue of paragraph (4), proceedings will not be taken for the offence;

- (b) the amount of the fixed penalty; and
- (c) the person to whom and the address at which the fixed penalty may be paid.

(7) The fixed penalty payable to a district council under this Article in respect of an offence under Article 5B(11) in relation to a tenancy deposit received or required by a landlord is an amount equal to three times the amount of that tenancy deposit.

(8) The fixed penalty payable to a district council under this Article in respect of an offence under Article 5B(10) or 65A(4) is an amount determined by the council, being an amount not exceeding one-fifth of the maximum fine payable on summary conviction of that offence.

(9) In any proceedings a certificate which—

- (a) purports to be signed on behalf of the clerk of the council, and
- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(10) A district council may use amounts paid to it in pursuance of notices under this Article only for the purposes of its functions under this Order or such other of its functions as may be prescribed.

(11) In this Article “authorised officer”, in relation to a district council, means an officer of the council who is authorised in writing by the council for the purposes of this Article.”.

## **Regulations**

**9.** In Article 72 of the Private Tenancies Order (regulations) for paragraph (3) substitute—

“(3) Regulations under Article 5A, 45A or 65A shall not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(4) The Department must lay before the Assembly—

- (a) a draft of regulations under Article 5A, and
- (b) a draft of regulations under Article 65A,

not later than 18 months after the date on which the Housing (Amendment) Act (Northern Ireland) 2011 receives Royal Assent.”.

### *Houses in multiple occupation*

## **Houses in multiple occupation: evidence of family relationship**

**10.—**(1) At the end of Article 75 of the Housing (Northern Ireland) Order 1992 (NI 15) (definition of house in multiple occupation) insert—

“(3) Where—

- (a) a house is occupied by more than 2 qualifying persons, and
- (b) the Executive reasonably believes that those persons are not all members of the same family,

the Executive may serve a notice under this paragraph complying with paragraphs (4) and (5).

(4) The notice may be served on—

- (a) the person having control of the house;
- (b) the person managing the house; or
- (c) the owner of the house.

(5) The notice shall—

- (a) state the Executive's belief referred to in paragraph (3)(b) and the grounds for that belief,
- (b) inform the person on whom the notice is served that he may, within 56 days of the date of service of the notice or such longer period as the Executive may in any case determine, provide the Executive with evidence that all the qualifying persons occupying the house are members of the same family, and
- (c) inform the person of the effect of paragraphs (6) to (8).

(6) Paragraph (7) applies if—

- (a) the Executive serves a notice under paragraph (3) in respect of a house; and
- (b) either—
  - (i) no evidence is provided to the Executive as mentioned in paragraph (5)(b), or
  - (ii) any evidence so provided is in the opinion of the Executive insufficient to cause the Executive to change its belief.

(7) Subject to paragraph (8), as from the expiry of the period mentioned in paragraph (5)(b) the house is to be treated as a house in multiple occupation for the purposes of this Part.

(8) Paragraph (7) does not apply or (as the case may be) ceases to apply if—

- (a) the Executive ceases (for whatever reason) to hold the belief mentioned in paragraph (3)(b); or
- (b) a court determines that the house is not a house in multiple occupation.”.

### **Houses in multiple occupation: increase in fine for failure to register**

**11.—**(1) In Article 75L of the Housing (Northern Ireland) Order 1992 (NI 15) (offences in connection with registration scheme for houses in multiple occupation) after paragraph (1) insert—

“(1A) A person who commits an offence under this Article consisting of a contravention of a provision included in a registration scheme by virtue of Article 75C(1) is liable on summary conviction to a fine not exceeding £20,000.”.

(2) Subsection (1) does not apply in relation to an offence committed before the date on which this section comes into operation.

*Anti-social behaviour, etc.***Withholding of consent to mutual exchange of secure tenancies**

**12.—**(1) In Schedule 3A to the Housing (Northern Ireland) Order 1983 (NI 15) (grounds for withholding consent to assignment by way of exchange) after Ground 2 insert—

*“Ground 2A*

Either—

- (a) a relevant order or suspended Ground 2 possession order is in force, or
- (b) an application is pending before any court for a relevant order or a Ground 2 possession order to be made,

in respect of the tenant or the proposed assignee or a person who is residing with either of them.

A “relevant order” means—

- (a) an injunction under Chapter 4 of Part 2 of the Housing (Northern Ireland) Order 2003 (injunctions against anti-social behaviour);
- (b) an injunction against breach of a tenancy agreement granted or sought on the grounds that the tenant—
  - (i) is engaging in, or threatening to engage in, conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality;
  - (ii) is using or threatening to use the premises for immoral or illegal purposes; or
  - (iii) is allowing, inciting or encouraging any other person to engage or threaten to engage in such conduct or use or threaten to use the premises for such purposes;
- (c) an anti-social behaviour order under Article 3 or 6 of the Anti-social Behaviour (Northern Ireland) Order 2004;
- (d) an interim anti-social behaviour order under Article 4 or 6A of that Order.

A “Ground 2 possession order” means an order for possession under Ground 2 in Schedule 3.

Where the tenancy of the tenant or the proposed assignee is a joint tenancy, any reference to that person includes (where the context permits) a reference to any of the joint tenants.

*Ground 2B*

The tenant or the proposed assignee or a person who is residing with either of them has been convicted of—

- (a) an offence involving using the dwelling house of which the tenant or the proposed assignee is the secure tenant, or allowing it to be used, for immoral or illegal purposes, or

(b) an indictable offence.”.

(2) The amendment made by this section applies in relation to applications for consent under Article 32A of that Order (assignments by way of exchange) which are made on or after the day on which this section comes into operation.

**Disclosure of information as to orders, etc. in respect of anti-social behaviour**

**13.**—(1) Any person may disclose relevant information to a landlord under a secure tenancy if the information is disclosed for the purpose of enabling the landlord—

- (a) to decide whether Ground 2A or 2B in Schedule 3A to the Housing (Northern Ireland) Order 1983 (NI 15) (withholding of consent to mutual exchange where order in force or application pending in connection with anti-social behaviour etc.) can be invoked in relation to the tenant under the tenancy;
- (b) to decide whether a tenant is entitled to exercise a right under a scheme for house sales under Article 3 or 3A of the Housing (Northern Ireland) Order 1983; or
- (c) to take any appropriate action in relation to the tenant in reliance on the Grounds mentioned in paragraph (a) or a scheme mentioned in paragraph (b).

(2) Any person may disclose relevant information to the Executive if the information is disclosed for the purpose of enabling the Executive to decide—

- (a) whether to treat an applicant for an allocation of housing accommodation as ineligible for such an allocation by virtue of Article 22A(6) of the Housing (Northern Ireland) Order 1981 (NI 3); or
- (b) whether to treat an applicant for assistance under Part 2 of the Housing (Northern Ireland) Order 1988 (NI 23) (homelessness) as ineligible for that assistance by virtue of Article 7A(5) of that Order.

(3) Any person may disclose relevant information to a registered housing association if the information is disclosed for the purpose of enabling the housing association to decide whether to allocate housing accommodation to any person.

(4) In this section—

- (a) “registered housing association” has the same meaning as in Part 2 of the Housing (Northern Ireland) Order 1992 (NI 15);
- (b) “relevant information” means information relating to any order or application mentioned in Ground 2A or 2B in Schedule 3A to the Housing (Northern Ireland) Order 1983 and relevant for the purposes of any of the provisions mentioned in subsection (1) or (2) or the decision mentioned in subsection (3), including (in particular) information identifying the person in respect of whom any such order or application has been made;
- (c) “secure tenancy” has the meaning given by Article 25 of the Housing (Northern Ireland) Order 1983; and
- (d) any reference to the tenant under a secure tenancy is, in relation to a joint tenancy, a reference to any of the joint tenants.

**Possession orders: conduct causing nuisance or annoyance**

**14.** In Article 29 of the Housing (Northern Ireland) Order 1983 (NI 15) after paragraph (3) insert—

“(3ZA) The matters to be taken into account by the court in determining whether it is reasonable to make an order on ground 2(a) shall include—

- (a) the effect that the nuisance or annoyance has had on persons other than the person against whom the order is sought;
- (b) any continuing effect the nuisance or annoyance is likely to have on such persons;
- (c) the effect that the nuisance or annoyance would be likely to have on such persons if the conduct is repeated;
- (d) the circumstances of the tenant and the likely effect of a possession order on the tenant and any person residing with the tenant.”.

*Miscellaneous amendments to Housing Orders***Abandoned tenancies**

**15.—**(1) In Article 41 of the Housing (Northern Ireland) Order 1983 (rights of landlord where secure tenancy abandoned) in paragraph (3) for sub-paragraph (a) substitute—

“(a) has reasonable grounds for believing the matters mentioned in paragraph (1)(a) and (b); and”.

(2) In Article 19A of the Housing (Northern Ireland) Order 2003 (NI 2) (rights of landlord where introductory tenancy abandoned) in paragraph (3) for sub-paragraph (a) substitute—

“(a) has reasonable grounds for believing the matters mentioned in paragraph (1)(a) and (b); and”.

**Duty to persons found to be homeless**

**16.** In Article 10 of the Housing (Northern Ireland) Order 1988 (NI 23) (duty to persons found to be homeless) after paragraph (2) insert—

“(2ZA) The Executive shall cease to be subject to the duty under paragraph (2) if the applicant ceases to be eligible for assistance under this Part by virtue of Article 7A(1)(a) or (b).”.

**Abolition of rent surplus fund**

**17.—**(1) Article 37 of the Housing (Northern Ireland) Order 1992 (NI 15) (surplus rental income of housing association) is repealed.

(2) In Article 20(2) of that Order (offences relating to accounts of housing associations)—

- (a) at the end of sub-paragraph (a) insert “or”;
- (b) omit sub-paragraph (c) and the word “or” immediately before it.

**Service of documents**

**18.**—(1) Article 104 of the Housing (Northern Ireland) Order 1992 (NI 15) (service of certain documents) is amended as follows.

(2) For paragraph (1) substitute—

“(1) Any document required or authorised by a statutory provision to be given to or served on any person by the Executive or a registered housing association may be given to or served on that person by being sent by ordinary post.”.

*The Housing Executive*

**Functions of Executive in relation to energy brokering**

**19.**—(1) The Executive may submit to the Department a scheme for the making by the Executive of energy brokering arrangements.

(2) The Department may approve a scheme submitted under subsection (1) with or without modifications.

(3) The Executive may submit to the Department proposals for amending a scheme approved under subsection (2) or a scheme replacing any such scheme and subsection (2) shall have effect in relation to those proposals or a scheme replacing an existing scheme as they have effect in relation to a scheme.

(4) Subject to subsection (5), the Executive shall give effect to a scheme for the time being approved by the Department.

(5) The Executive may, with the approval of the Department, terminate a scheme under this section; but the termination of a scheme does not affect the continued operation of any arrangements made under the scheme.

(6) In this section “energy brokering arrangements” means arrangements which—

- (a) are made by the Executive with an energy supplier;
- (b) involve the making available by the energy supplier to premises occupied by tenants of the Executive of supplies of electricity, gas, oil or other means of producing energy (as the case may be) on terms set out in, or determined in accordance with, the arrangements.

(7) Those arrangements may also provide for the payment of sums to the Executive by the energy supplier concerned.

(8) Any sums received by the Executive by virtue of subsection (7) shall be used for the purposes of the functions of the Executive under this section or for such other purposes as the Department may approve.

(9) In this section “energy supplier” means—

- (a) the holder of a licence under Article 10(1)(c) of the Electricity (Northern Ireland) Order 1992 (NI 1);
- (b) the holder of a licence under Article 8(1)(c) of the Gas (Northern Ireland) Order 1996 (NI 2);
- (c) a supplier of domestic heating oil;
- (d) a supplier of any other means of producing energy.

**Functions of Executive in relation to community safety**

**20.**—(1) The Executive may take such action for enhancing community safety in any area as is compatible with the proper exercise of its functions in that area.

(2) Reference in this section to enhancing community safety in any area is to making the area one in which it is safer to live and work, in particular by the reduction of levels of crime and other anti-social behaviour.

**Power of Executive to enter into arrangements with other statutory authorities**

**21.**—(1) The Department may by regulations make provision for or in connection with enabling the Executive (on the one hand) and prescribed statutory authorities (on the other) to enter into prescribed arrangements in relation to the exercise of prescribed functions of the Executive and prescribed housing-related functions of the statutory authorities, if the arrangements are likely to lead to an improvement in the way in which those functions are exercised.

(2) The arrangements which may be prescribed include arrangements for or in connection with—

- (a) the exercise by the Executive on behalf of a statutory authority of prescribed housing-related functions of the authority,
- (b) the exercise by a statutory authority on behalf of the Executive of prescribed functions of the Executive,
- (c) the provision of staff, goods, services or accommodation in connection with any arrangements mentioned in paragraph (a) or (b),
- (d) meeting expenditure incurred in connection with the arrangements, including provision for the making of payments by a statutory authority to the Executive or by the Executive to a statutory authority.

(3) Regulations under this section may make provision—

- (a) as to the cases in which the Executive and statutory authorities may enter into prescribed arrangements,
- (b) as to the conditions which must be satisfied in relation to prescribed arrangements (including conditions in relation to consultation),
- (c) for or in connection with requiring the consent of a Northern Ireland department to the operation of prescribed arrangements (including provision in relation to applications for consent, the approval or refusal of such applications and the variation or withdrawal of approval),
- (d) as to the sharing of information between the Executive and statutory authorities.

(4) Any arrangements made by virtue of this section shall not affect—

- (a) the liability of the Executive for the exercise of any of its functions,
- (b) the liability of statutory authorities for the exercise of any of their functions, or
- (c) any power or duty to recover charges in respect of services provided in the exercise of any functions of statutory authorities.

(5) A Northern Ireland department may issue guidance to the Executive and statutory authorities in relation to consultation or applications for consent in respect of prescribed arrangements.

(6) The reference in subsection (1) to an improvement in the way in which functions are exercised includes an improvement in the provision to any individuals of any services to which those functions relate.

(7) In this section—

“housing-related functions”, in relation to a statutory authority, means functions of the authority which, in the opinion of the Department—

- (a) have an effect on the housing of any individual,
- (b) have an effect on, or are affected by, any functions of the Executive, or
- (c) are connected with any functions of the Executive;

“prescribed” means prescribed by regulations under this section;

“statutory authority” means a body or person exercising functions under any Act of Parliament or Northern Ireland legislation.

(8) Regulations under this section—

- (a) are subject to negative resolution;
- (b) may contain such incidental, supplementary, transitional and saving provisions as appear to the Department to be necessary or expedient.

### **Indemnification of members and officers of Executive**

**22.**—(1) The Department may by order make provision for or in connection with conferring power on the Executive to provide indemnities to some or all of its members and officers.

(2) Before making an order under this section, the Department must consult—

- (a) the Executive, and
- (b) such representatives of officers of the Executive and such other persons as the Department considers appropriate.

(3) An order under this section—

- (a) is subject to negative resolution;
- (b) may contain such incidental, supplementary, transitional and saving provisions as appear to the Department to be necessary or expedient.

### *Functions of district councils in relation to energy efficiency*

### **Functions of district councils in relation to energy efficiency**

**23.**—(1) A district council may take such action as it thinks appropriate for the purpose of promoting the efficient use of energy in residential accommodation in its district.

(2) In particular, a district council may for that purpose—

- (a) provide financial or other assistance to any body whose functions include the promotion of energy efficiency in residential accommodation;
- (b) provide, or secure the provision of, advice; and

(c) disseminate, or secure the dissemination of, information.

(3) A district council may produce action plans to improve energy efficiency in residential accommodation in its district.

(4) In carrying out its functions under subsections (2) and (3) a district council shall have regard to—

(a) any report published by the Executive under section 2 of the Home Energy Conservation Act 1995 (c. 10); and

(b) any strategy published by the Department in connection with the exercise of its functions under Article 5 of the Energy Efficiency (Northern Ireland) Order 1999 (NI 3).

(5) A council shall provide the Executive with such information as the Executive may require for the purpose of carrying out its functions as energy conservation authority in Northern Ireland under the Home Energy Conservation Act 1995.

(6) In this section—

“residential accommodation” has the meaning given by section 1 of the Home Energy Conservation Act 1995;

“financial assistance” means grants or loans of such amounts and on such terms and conditions (including, in the case of grants, conditions as to repayment) as may be determined by the council.

### *Supplementary*

#### **Repeals**

**24.** The statutory provisions set out in the Schedule are repealed to the extent specified in the second column of that Schedule.

#### **Commencement**

**25.—**(1) Except as provided by subsection (2), the preceding sections of this Act (and the Schedule) come into operation on such day or days as the Department may by order appoint.

(2) Sections 2, 7 and 9 come into operation on Royal Assent.

(3) An order under subsection (1) may contain such transitional or saving provisions as the Department thinks appropriate.

#### **Interpretation**

**26.** In this Act—

“the Department” means the Department for Social Development;

“the Executive” means the Northern Ireland Housing Executive;

“the Private Tenancies Order” means the Private Tenancies (Northern Ireland) Order 2006 (NI 10).

#### **Short title**

**27.** This Act may be cited as the Housing (Amendment) Act (Northern Ireland) 2011.

## SCHEDULE

Section 24.

## REPEALS

Short Title	Extent of repeal
The Housing (Northern Ireland) Order 1992 (NI 15)	In Article 20(2), sub-paragraph (c) and the word “or” immediately before it. Article 37.
The Private Tenancies (Northern Ireland) Order 2006 (NI 10)	Article 4. In Article 44(3) the words from “including” to the end. In Article 68(1) “4(5),”.

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