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**BILLE NA dTITHE (IASACHTAI AGUS DEONTAIS), 1962.  
HOUSING (LOANS AND GRANTS) BILL, 1962.**

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*Mar a tugadh isteach.  
As introduced.*

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**ARRANGEMENT OF SECTIONS.**

**Section.**

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3. Grants by Minister for reconstruction or improvement of houses.
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**BILLE NA dTITHE (IASACHTAI AGUS DEONTAIS), 1962.  
HOUSING (LOANS AND GRANTS) BILL, 1962.**

# BILL

*entitled*

5 AN ACT TO MAKE FURTHER AND BETTER PROVISION  
WITH RESPECT TO HOUSING AND, IN PARTICULAR,  
WITH RESPECT TO THE PROVISION OF LOANS  
AND GRANTS BY THE STATE AND BY LOCAL  
10 AUTHORITIES IN RELATION TO HOUSING, FOR  
THAT PURPOSE TO AMEND, EXTEND AND REPEAL  
CERTAIN ENACTMENTS, AND TO MAKE PROVISION  
WITH RESPECT TO OTHER MATTERS CONNECTED  
WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :

15 1.—In this Act—

Definitions.

“ the Act of 1899 ” means the Small Dwellings Acquisition Act, 1899, c. 44.  
1899;

“ the Act of 1948 ” means the Housing (Amendment) Act, 1948; 1948, No. 1.

“ the Act of 1952 ” means the Housing (Amendment) Act, 1952; 1952, No. 16.

20 “ the Act of 1956 ” means the Housing (Amendment) Act, 1956; 1956, No. 31.

“ the Act of 1958 ” means the Housing (Amendment) Act, 1958; 1958, No. 27.

“ house ” includes any part of a building suitable for occupation  
as a dwelling;

“ housing authority ” means in the case of—

25 (a) a county health district, the council of the county in  
which such county health district is situate,

(b) a county or other borough, the corporation of such county  
or other borough, and

(c) an urban district, the council of such urban district;

30 “ the Labourers Acts ” means the Labourers Acts, 1883 to 1958,  
as amended by this Act;

“ the Minister ” means the Minister for Local Government;

“ providing ”, in relation to a house that has never been occupied,  
includes (except in section 6 of this Act) purchasing the house  
35 and cognate words shall be construed accordingly;

“ prescribed ” means prescribed by the Minister by regulations.

2.—(1) The Minister may, with the consent of the Minister for  
Finance and subject to regulations under this section, make, out  
of moneys provided by the Oireachtas, to a person or public  
40 utility society providing one or more than one house in respect of  
which a grant under this section has not been made a grant not  
exceeding the appropriate sum specified in the *Second Schedule*  
to this Act if, but only if—

Grants by  
Minister for  
provision of  
houses.



- (a) erection of the house or each house, as the case may be, commenced or commences on or after the 1st day of April, 1962,
  - (b) the house or each house, as the case may be, is in compliance with the regulations under this section, 5
  - (c) the house or each house, as the case may be, is in compliance with the rules set out in the *First Schedule* to this Act, and
  - (d) in the case of one or more than one house provided by a public utility society, the first occupier of the house or each house, as the case may be, is a member of the society who occupies the house or each house as his normal place of residence. 10
- (2) The Minister shall not make a grant under this section and under section 16 of the Act of 1948 in respect of the same house. 15
- (3) (a) In every case in which a grant is made under this section and an increase in the rateable valuation of the tenement consisting of or including the house to which the grant relates is made on an application for the revision of such valuation by reason solely or partly of the provision of the house and the increase is shown for the first time in any revised valuation lists under the Valuation Acts published on or after the 1st day of March, 1963, the valuation of such tenement shall, in each of the nine successive local financial years the first of which is that in which the tenement is first rated on the increased valuation, be deemed to be reduced for rating purposes— 20
- (i) if the increase is made solely by reason of the provision of the house, by the proportion of the increase specified in the second column of the Table to this section opposite the number of the year in the first column of the Table, and 30
  - (ii) if the increase is made partly by reason of the provision of the house, by the proportion of so much of the increase as is attributable to such provision specified in the second column of the Table to this section opposite the number of the year in the first column of the Table. 35
- (b) In this subsection "rating purposes" in relation to a tenement means the following (and no other) purposes, that is to say, the purpose of the assessment and levying of any rate raised by a local authority for the service of the local financial year in which the tenement is first rated on the increased valuation referred to in paragraph (a) of this subsection or for the service of any of the next following eight local financial years. 40 45
- (c) Without prejudice to the generality of the provisions of the immediately preceding paragraph of this subsection restricting the meaning of "rating purposes", it is hereby enacted in particular that notwithstanding the rateable valuation (in this paragraph referred to as the full valuation) of a tenement being deemed under this section to be reduced in relation to any local financial year, every computation for the purposes of the Income Tax Acts of the annual value of such tenement shall be made in like manner as if the full valuation were in force for the purposes of county rate or municipal rate, as the case may be, in relation to that year. 50 55 60
- (4) The Minister may make regulations for the purposes of this section.



TABLE

## PROPORTION OF INCREASE IN VALUATION TO BE REDUCED

Number of year					Proportion of increase in valuation to be reduced
First	...	...	...	...	Nine-tenths
Second	...	...	...	...	Eight-tenths
Third	...	...	...	...	Seven-tenths
Fourth	...	...	...	...	Six-tenths
Fifth	...	...	...	...	Five-tenths
Sixth	...	...	...	...	Four-tenths
Seventh	...	...	...	...	Three-tenths
Eighth	...	...	...	...	Two-tenths
Ninth	...	...	...	...	One-tenth

- 3.—(1) The Minister may, with the consent of the Minister for Finance and subject to regulations under this section, make, out of moneys provided by the Oireachtas, to a person reconstructing or executing improvement works on a house, in respect of each separate dwelling forming part of the house after the completion of the reconstruction or the improvement works, as the case may be, a grant of such amount as may be appropriate having regard to subsections (2) and (3) of this section.

Grants by Minister for reconstruction or improvement of houses.

(2) Subject to subsection (3) of this section, a grant to a person under this section in respect of a house shall not exceed—

- (a) in case the person reconstructs or improves a house for his own occupation, and derives his livelihood solely or mainly from the pursuit of agriculture and the rateable value, or the aggregate of the rateable value, of the land (if any) and buildings occupied by him does not exceed fifty pounds, two-thirds of the amount estimated by the Minister to be the cost of the reconstruction or the improvement works, as the case may be, and
- (b) in any other case, one-third of the amount estimated by the Minister to be the cost of the reconstruction or the improvement works.

(3) A grant under this section shall not exceed—

- (a) in the case of a dwelling containing not more than three rooms, one hundred pounds,
- (b) in the case of a dwelling containing four rooms, one hundred and twenty pounds, and
- (c) in the case of a dwelling containing five or more rooms, one hundred and forty pounds.

(4) A grant shall not be made under this section in respect of a house unless—

- (a) the Minister is satisfied that the house is suitable for reconstruction or for the execution of improvement works thereon, and
- (b) the reconstruction or the execution of the improvement works was commenced or is commenced on or after the 1st day of April, 1962, and is in compliance with the regulations under this section.



(5) Where the Minister makes a grant under this section in respect of a house, the valuation of the tenement consisting of or including the house shall not, on any valuation or revision of the valuation thereof coming into force within seven years after the completion of the reconstruction or of the improvement works, be increased on account of any increase in the value of such tenement arising from the reconstruction or the improvement works. 5

(6) In this and in the next following section "reconstruction" and "improvement works" in relation to a house include any works carried out in relation to the house (whether for the purpose of extending, enlarging or improving the house) that, in the opinion of the Minister, are reasonably necessary for the purpose of rendering the house more suitable for human habitation, but do not include decoration, and cognate words shall be construed accordingly. 15

(7) The Minister may make regulations for the purposes of this section.

Second grants  
by Minister for  
reconstruction  
of houses.

4.—(1) Where a grant for the erection, reconstruction, repair, improvement or purchase of a house was made or is made by the Minister, whether before or after the passing of this Act, the Minister may, with the consent of the Minister for Finance and subject to regulations under this section, make, out of moneys provided by the Oireachtas, to a person executing reconstruction works or improvement works on the house a grant or grants of such amount as may be appropriate having regard to subsections (2) and (3) of this section if— 20 25

(a) the works are necessary because of damage caused by wind, rain or flooding,

(b) the works are occasioned by something (other than the matters referred to in paragraph (a) of this subsection) outside the control of the person aforesaid and the works are certified by an officer of the Minister to be urgently necessary for the conservation of the house, 30

(c) the works are commenced not less than fifteen years after the date of the payment of the earlier grant,

(d) the works are commenced less than fifteen but not less than ten years after the date of the payment of the earlier grant and the works in respect of which the later grant is made consist of or include the replacement of roofing by roofing of slates or tiles, 35

(e) the works consist of the provision of a bathroom and involve an addition to the floor area of the house existing immediately before the construction of the works, or 40

(f) the works consist of the provision of a room or rooms, involve an addition to the floor area of the house existing immediately before the construction of the works and are, in the opinion of the Minister, necessary for the relief of overcrowding. 45

(2) Subject to subsection (3) of this section, a grant to a person under this section—

(a) in respect of works of the kind specified in paragraph (a) (c) or (d) of subsection (1) of this section, shall not exceed— 50



5 (i) in case the person reconstructs or improves a house for his own occupation, and derives his livelihood solely or mainly from the pursuit of agriculture and the rateable value, or the aggregate of the rateable value, of the land (if any) and buildings occupied by him does not exceed fifty pounds, two-thirds of the amount estimated by the Minister to be the cost of the works, and

10 (ii) in any other case, one-third of the amount estimated by the Minister to be the cost of the works,

(b) in respect of works of the kind specified in paragraph (b) of subsection (1) of this section, shall not exceed one-third of the amount estimated by the Minister to be the cost of the works,

15 (c) in respect of works of the kind specified in paragraph (e) of subsection (1) of this section, shall not exceed—

(i) one-third of the amount estimated by the Minister to be the cost of the works, or

(ii) fifty pounds,

20 whichever is the less, and

(d) in respect of works of the kind specified in paragraph (f) of subsection (1) of this section, shall not exceed—

(i) one-third of the amount estimated by the Minister to be the cost of the works, or

25 (ii) fifty pounds for each room provided, whichever is the less.

(3) A grant or the aggregate of the grants made at any one time under this section shall not exceed—

30 (a) in the case of a house containing not more than three rooms, one hundred pounds,

(b) in the case of a house containing four rooms, one hundred and twenty pounds, or,

(c) in the case of a house containing five or more rooms, one hundred and forty pounds.

35 (4) A person shall not be disentitled to receive a grant under this section or section 3 of this Act by reason of the fact that a grant has previously been made to him under this section in respect of works of the kind specified in paragraph (a) of subsection (1) of this section.

40 (5) The Minister may make regulations for the purposes of this section.

45 5.—(1) Subject to subsection (2) of this section, the Minister may, with the consent of the Minister for Finance, make, out of moneys provided by the Oireachtas, a grant to an occupier of a house situate in a county health district carrying out essential repairs to the house.

Grants by  
Minister for  
essential repairs.

(2) A grant may be made under subsection (1) of this section if, but only if—



(a) the housing authority in whose functional area the house is situate furnishes to the Minister a certificate of the authority stating, and the Minister is satisfied, that the house cannot be made fit for human habitation, in all respects, at a reasonable cost and that the repairs in 5 respect of which the grant is proposed to be made constitute at least the repairs that are necessary in order to prolong the life of the house, and

(b) the repairs in respect of which the grant is proposed to be made are carried out in a satisfactory and efficient 10 manner.

(3) The repairs to a house in respect of which a grant falls to be paid under subsection (1) of this section may, with the consent of the occupier of the house, be carried out by the housing authority in whose functional area the house is situate and, if the repairs are carried out by the housing authority, the Minister may pay 15 the grant to the housing authority.

(4) A grant under this section shall not exceed—

(a) two-thirds of the amount estimated by the Minister to be the cost of the repairs in respect of which the grant is made, or 20

(b) eighty pounds,

whichever is the less.

(5) Where the Minister makes a grant under this section in respect of a house, the housing authority in whose functional area the house is situate may pay to the occupier of the house the difference, or such part of it as it thinks fit, between the amount 25 of the grant and the amount estimated by the Minister to be the cost of the essential repairs to the house, contribute building materials or labour for the carrying out of the repairs to a value not greater than the amount of the difference aforesaid or make 30 any payment in kind to the occupier to a value not greater than the amount of the difference aforesaid.

(6) Where the Minister makes a grant under this section in respect of a house, the valuation of the tenement consisting of or including the house shall not, on any valuation or revision of the 35 valuation thereof coming into force within seven years after the completion of the repairs be increased on account of any increase in the value of such tenement arising from the repairs.

(7) A grant shall not be made under this section in respect of a house in respect of which a grant has previously been made under 40 this section.

(8) The Minister may make regulations for the purposes of this section.

Grants by  
Minister for  
housing of  
elderly persons.

6.—(1) The Minister may, with the consent of the Minister for Finance make, out of moneys provided by the Oireachtas, a grant 45 to a body providing, with the approval of the Minister, one or more than one house for the accommodation of elderly persons.

(2) The amount of a grant under this section shall not exceed three hundred pounds in respect of each house, or each separate dwelling forming part of a house. 50

(3) Where a grant is made to a body under this section by the Minister in respect of a house, the housing authority may make to the body a grant of an amount not exceeding the amount of the grant made by the Minister and the grant may be made on such terms and conditions as the authority thinks fit to impose, 55



including terms and conditions providing for the payment of the grant by instalments or in relation to the use or sale of the house or houses in respect of which the grant is made or for the recovery of so much of the grant as has been paid from the body to whom  
5 it has been paid on breach by the body of any terms or conditions subject to which it was made.

(4) The Minister may make regulations for the purposes of this section.

(5) In this section "providing", in relation to a house, includes  
10 erecting, reconstructing, converting and purchasing a house.

7.—(1) The Minister may, with the consent of the Minister for Finance, make, out of moneys provided by the Oireachtas, a grant to any person or body in respect of the erection of a house in accordance with plans and specifications approved of by the  
15 Minister if the Minister is satisfied—

Grants by Minister for provision of prototype houses.

(a) that the house is of a kind that would be suitable for accommodating any particular category of persons,

(b) that houses could be erected at low cost in accordance with the plans and specifications aforesaid, and

20 (c) that a house has not previously been erected in accordance with the plans and specifications aforesaid or plans or specifications that are substantially the same as the plans and specifications aforesaid.

(2) A grant under this section shall not exceed one-half of the  
25 amount estimated by the Minister to be the reasonable cost of erection of the house.

(3) (a) In every case in which a grant is made under this section and an increase in the rateable valuation of the tenement consisting of or including the house to which the grant relates is made on an application for the revision of such valuation by reason solely or partly of the provision of the house and the increase is shown for the first time in any revised valuation lists under the Valuation Acts published on or after the 1st day of March, 1963, the valuation of such tenement shall, in each of the nine successive local financial years the first of which is that in which the tenement is first rated on the increased valuation, be deemed to be reduced for rating purposes—

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40 (i) if the increase is made solely by reason of the provision of the house, by the proportion of the increase specified in the second column of the Table to this section opposite the number of the year in the first column of the Table, and

45 (ii) if the increase is made partly by reason of the provision of the house, by the proportion of so much of the increase as is attributable to such provision specified in the second column of the Table to this section opposite the number of the year in the first column of the Table.

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(b) In this subsection "rating purposes" in relation to a tenement means the following (and no other) purposes, that is to say, the purpose of the assessment and levying of any rate raised by a local authority for the service



of the local financial year in which the tenement is first rated on the increased valuation referred to in paragraph (a) of this subsection or for the service of any of the next following eight local financial years.

(c) Without prejudice to the generality of the provisions of the immediately preceding paragraph of this subsection restricting the meaning of "rating purposes", it is hereby enacted in particular that notwithstanding the rateable valuation (in this paragraph referred to as the full valuation) of a tenement being deemed under this section to be reduced in relation to any local financial year, every computation for the purposes of the Income Tax Acts of the annual value of such tenement shall be made in like manner as if the full valuation were in force for the purposes of county rate or municipal rate, as the case may be, in relation to that year.

(4) The Minister may make regulations for the purposes of this section.

(5) A grant may be paid under section 2 of this Act in respect of any further house erected with the approval of the Minister in accordance with plans and specifications that are the same as the plans and specifications of a house in respect of which a grant was made under this section or that differ from those plans and specifications only in respect of modifications approved of by the Minister, notwithstanding the fact that the house is not in compliance with the rules set out in the *First Schedule* to this Act or with regulations under the said section 2.

TABLE

PROPORTION OF INCREASE IN VALUATION TO BE REDUCED

30

Number of year						Proportion of increase in valuation to be reduced
First	...	...	...	...	...	Nine-tenths
Second	...	...	...	...	...	Eight-tenths
Third	...	...	...	...	...	Seven-tenths
Fourth	...	...	...	...	...	Six-tenths
Fifth	...	...	...	...	...	Five-tenths
Sixth	...	...	...	...	...	Four-tenths
Seventh	...	...	...	...	...	Three-tenths
Eighth	...	...	...	...	...	Two-tenths
Ninth	...	...	...	...	...	One-tenth

Supplementary grants by housing authority for reconstruction or improvement of houses.

8.—(1) Where a grant or grants was made or is made, whether before or after the passing of this Act, to a person by the Minister in respect of reconstruction work or improvement work on a house, a housing authority may make to the person a grant of an amount not exceeding the amount of the grant or grants made by the Minister and not exceeding an amount that, when added to the amount of the grant or grants made by the Minister, equals two-thirds of the amount estimated by the Minister to be the cost of the reconstruction or improvement, as the case may be.

(2) The making of grants under this section may, if the housing authority thinks fit, be confined to—

(a) persons of such class or classes,



- (b) persons reconstructing or improving houses of such type or types, or
  - (c) persons of such class or classes reconstructing or improving houses of such type or types,
- 5 as, in each case, may be determined by the authority.

(3) A grant shall not be made under this section in respect of work on a house in respect of which a grant was made under subsection 3A (inserted by the Act of 1958) of section 16 of the Act of 1948 or subsection (3) of section 12 of the Housing (Amendment) Act, 1954.

1954, No. 16.

9.—(1) Where a grant is made to a person under subsection (2) or paragraph (c) of subsection (5) [inserted by the Housing (Gaeltacht) (Amendment) Act, 1959] of section 3 of the Housing (Gaeltacht) Act, 1929, a housing authority may make to that person a grant of an amount not exceeding the amount of the grant made under that section.

Additional grants by housing authority where certain grants are made under section 3 of Housing (Gaeltacht) Act, 1929.

1929, No. 41.

1959, No. 16.

(2) A grant shall not be made under this section in respect of work on a house in respect of which a grant was made under section 7 of the Act of 1958.

(3) Section 7 of the Act of 1958 shall, in so far as it applies in relation to persons to whom grants are made under subsection (2) or paragraph (c) of subsection (5) of section 3 of the Housing (Gaeltacht) Act, 1929, cease to have effect upon the passing of this Act.

1929, No. 41.

1959, No. 16.

10.—(1) A housing authority may, subject to such conditions as may be approved by the Minister, make a loan to a person (in this section referred to as the borrower) carrying out reconstruction, repair or improvement works on a house, provided that the authority is satisfied that—

Loans by housing authority for reconstruction, repair, and improvement of houses.

(a) after the proposed works are carried out, the house will in all respects be fit for human habitation,

(b) the proposed works are essential for the purpose of providing suitable housing accommodation, and

(c) the house is suitable for reconstruction, repair or improvement, as the case may be.

(2) (a) Repayment of a loan under this section in respect of a house shall be secured by—

(i) an instrument vesting the ownership of the house in the housing authority subject to the right of redemption by the borrower,

(ii) by deposit with the housing authority of the land certificate issued under the Registration of Title Acts, 1891 and 1942, in relation to the house, or

(iii) where such ownership is already vested in the housing authority subject to the right of redemption by the borrower, an instrument of further



charge charging the repayment of the loan (together with the interest payable thereon) under this section on the house and making the said right of redemption subject also to the repayment of the loan (together with the interest payable thereon) under this section. 5

- (b) Repayment of a loan under this section in respect of a cottage that has been purchased under the Labourers Acts may be secured at any time in the manner specified in *paragraph (a)* of this subsection. 10

(3) Any sum due to a housing authority by any person in respect of a loan made under this section may be recovered by the housing authority from that person as a simple contract debt in any court of competent jurisdiction.

(4) For the purposes of this section "ownership" shall be such interest or combination of interests in a house as will constitute either a fee simple (including fee farm) interest in possession or a leasehold interest in possession of such number of years unexpired at the date on which the loan under this section in respect of the house is authorised by the housing authority as is equal to or greater than the sum of the term fixed for the repayment of the loan and fifteen years. 15 20

Loans by housing authority for acquisition or construction of houses.

11.—(1) A housing authority may, subject to regulations under this section, lend money to a person for the purpose of acquiring or constructing a house in the functional area of the authority or in the functional area of another housing authority with the consent of that authority. 25

(2) (a) The Minister may, with the consent of the Minister for Finance, make regulations for the purpose of giving effect to this section. 30

(b) Regulations under this subsection may, in particular, but without prejudice to the generality of *paragraph (a)* of this subsection, make provision with respect to all or any one or more of the following matters:

(i) the class or classes of persons to whom loans may be made under this section and the minimum contribution to be made at the time of the acquisition or construction of a house by a person to whom a loan is made under this section towards the cost of such acquisition or construction, 35 40

(ii) the class or classes of houses in respect of which loans may be made under this section,

(iii) the maximum amount of and the security for a loan under this section and the method of ascertaining the value of a house in respect of which a loan under this section is sought, 45

(iv) the repayment of loans made under this section, including the manner of and period for such repayment,

(v) the payment of interest on loans made under this section and the fixing of the rate of such interest, 50

(vi) the conditions subject to which a house in respect of which a loan is made under this section is held



by a borrower during the period until the loan is repaid, and the interest thereon is paid, to the housing authority,

5 (vii) the personal liability of the owner of a house in respect of which a loan is made under this section for the repayment of any sum due in respect of the loan and for the payment of any sum due in respect of interest on the loan,

10 (viii) the giving of notice to a borrower requiring him to comply with a condition subject to which a loan is made to him under this section or subject to which a house in respect of which a loan is made under this section is held by him or requiring him to comply with the provisions of any regulations under this section,

15 (ix) the payment by instalments of loans made under this section in respect of houses in course of construction,

20 (x) the transfer by the borrower of his interest in a house in respect of which a loan is made under this section by a housing authority at a time when the loan or part of it or the interest thereon or part of it has not been repaid or paid, as the case may be, to the housing authority.

25 (3) Where default is made in complying with any regulations under this section or any of the conditions subject to which a loan is made under this section by a housing authority, or subject to which a house in respect of which a loan is made under this section is held by the borrower or, in the case of the bankruptcy  
30 of the borrower, the housing authority may recover possession of the house (whatever may be its value) under sections 84 to 89 of the Landlord and Tenant Law Amendment Act, Ireland, 1860, as if the housing authority were the landlord and the borrower were the tenant. 1860, c. 154.

35 (4) Where a housing authority recovers possession of a house, all the estate, right, interest and title of the borrower in the house shall vest without any conveyance or transfer in the housing authority and the housing authority may use the house for the purposes of any of its powers and duties or sell or otherwise  
40 dispose of it as it thinks fit.

(5) Where a housing authority recovers possession of a house in respect of which it has made a loan under this section to a borrower, it shall pay to the borrower a sum equal to the value of the interest in the house at the disposal of the housing authority,  
45 after deducting therefrom the amount of the loan then remaining unpaid, any sum due for interest and all costs incurred by the housing authority in the recovery of possession and disposal of the house including the costs incurred by the authority in relation to any arbitration under subsection (6) of this section.

50 (6) In default of agreement between a housing authority and a borrower, the value of the interest in a house at the disposal of the housing authority shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, by a property arbitrator nominated under the Property  
55 Values (Arbitrations and Appeals) Act, 1960. 1919, c. 57. 1960, No. 45.

(7) Where—

(a) land is offered for sale by the Irish Land Commission



under any statutory power in that behalf vested in them, and

(b) there is for the time being in force in relation to the land an instrument transferring an interest in the land to a housing authority for the purpose of securing a loan under this section,

the land shall be sold subject to the instrument and to the relevant provisions of this section and any regulations thereunder in addition to any charge, incumbrance or liability subject to which the land is, apart from this subsection, required by law to be sold.

(8) A housing authority shall not make an advance in respect of a house under the Small Dwellings Acquisition Acts, 1899 to 1958, unless the housing authority had decided, before the commencement of this section, to make the advance.

(9) A housing authority may, on such terms as may be agreed upon between the authority and another housing authority, transfer its powers, rights and liabilities under this section to that other authority and, where a transfer is effected under this subsection, the powers, rights and liabilities under this section of the authority by which they are transferred shall cease and the functional area of that authority shall, for the purposes of this section, but not otherwise, be deemed to be part of the functional area of the authority to which such powers, rights and liabilities are transferred.

(10) In this section "borrower" means a person to whom a loan is made under this section and includes the successor in title of a person to whom a loan is made under this section.

(11) This section shall come into operation on such day as the Minister appoints by order.

Supplementary grants by housing authority for provision of houses.

12.—(1) Where a relevant grant is made by the Minister or the Minister for the Gaeltacht, as the case may be, to or in respect of a person providing a house and the person is the occupier of the house when the erection or purchase thereof was or is completed, a housing authority may make a grant to or in respect of the person in respect of the provision of the house (whether situate within or outside the functional area of the authority) if—

(i) the person derives his livelihood solely or mainly from the pursuit of agriculture and the rateable value, or the aggregate of the rateable value, of the land (if any) and buildings occupied by him does not exceed fifty pounds, or

(ii) the total, determined by the housing authority, of the income of the person and the income of his wife (if any) does not exceed eight hundred and thirty-two pounds per annum.

(2) A grant under this section to or in respect of a person in respect of a house shall be of such amount as may be determined by the housing authority but shall not exceed the amount of the relevant grant made by the Minister to or in respect of the person in respect of the house.

(3) A housing authority may impose in relation to the making of a grant to or in respect of a person in respect of a house under this section such conditions as it thinks fit including conditions in respect of—

(a) the period of residence of the person in the functional area of the authority,



- (b) the occupation of the house by the person and the period of such occupation, and
- (c) the repayment by the person of the amount of the grant to the authority.
- 5 (4) The making of grants under this section may, if the housing authority thinks fit, be confined to—
- (a) persons of such class or classes,
- (b) persons providing houses of such type or types, or
- (c) persons of such class or classes providing houses of such
- 10 type or types,
- as, in each case, may be determined by the authority.
- (5) A determination of a housing authority of the amount of a grant under this section or of the income of a person applying for a grant under this section or of his wife (if any) shall be
- 15 final and not appealable.
- (6) A grant shall not be made under this section in respect of a house in respect of which a grant was made under section 9, 10 or 11 of the Act of 1952.
- (7) In this section "relevant grant" means a grant under—
- 20 (a) subsection (1) or subsection (7) (inserted by the Housing 1959, No. 16.  
(Gaeltacht) (Amendment)) Act, 1959) of section 3 of  
the Housing (Gaeltacht) Act, 1929, 1929, No. 41.
- (b) section 16 of the Act of 1948, or
- (c) section 2 of this Act.
- 25 **13.**—(1) A housing authority may, in accordance with a scheme Schemes for  
approved of by the Minister, guarantee an advance or part of an guarantees.  
advance by a building society, an assurance company, a bank or  
other industrial or commercial organisation for the provision of a  
house or the carrying out of work consisting of the reconstruction,
- 30 extension, improvement or repair of a house.
- (2) The Minister, with the consent of the Minister for Finance, may recoup out of moneys provided by the Oireachtas, not more than fifty per cent. of the expenditure by a housing authority in meeting a guarantee under a scheme under this section if the
- 35 Minister is satisfied—
- (a) that the advance would not have been made if the guarantee had not been given or that the guarantee was given in relation to such part of the advance as represents the excess of the advance over the advance
- 40 that would have been made if the guarantee had not been given, and
- (b) that the amount paid by the housing authority in meeting the guarantee did not exceed two-thirds of the loss which arose from the making of the advance or of
- 45 the part of the advance referred to in paragraph (a) of this subsection, as the case may be.
- (3) The making of a scheme under this section shall be a reserved function for the purposes of the County Management Acts, 1940 to 1955, and for the purposes of the Acts relating to
- 50 the management of any county borough.
- (4) In this section—
- "building society" means a society to which the Building Societies Acts, 1874 to 1942, apply;



"assurance company" has the same meaning as in the Insurance Act, 1936.

Restriction of section 13 of Finance (No. 2) Act, 1947, and section 24 of Finance Act, 1949.

1947, No. 33.

1949, No. 13.

14.—(1) This section applies to every instrument giving effect to the purchase of a house upon the erection thereof.

(2) Section 13 of the Finance (No. 2) Act, 1947, and section 24 of the Finance Act, 1949, shall not apply to any instrument to which this section applies and, in lieu thereof, such stamp duties shall be chargeable as would have been chargeable if those sections had not been enacted.

(3) Subsection (2) of this section shall have effect if, but only if, there is endorsed on the instrument a certificate under the seal of the Minister that a grant under section 2 or 7 of this Act has been or will be made in respect of the house so purchased, not being a grant to a public utility society or to the occupier of the house when erection thereof is completed.

(4) Where—

(a) an instrument has been charged with stamp duty in accordance with the said section 13 or the said section 24,

(b) a person requires under section 12 of the Stamp Act, 1891, the Revenue Commissioners to express their opinion with reference to the instrument, and,

(c) it is shown to the satisfaction of the Revenue Commissioners that there could properly have been endorsed on the instrument a certificate under subsection (3) of this section,

the instrument shall be deemed to have endorsed on it such certificate and to have been chargeable with duty accordingly, whether or not it has previously been stamped with a particular stamp denoting that it is duly stamped.

(5) In any such case as is referred to in subsection (4) of this section, the Revenue Commissioners may repay the difference between the amount of duty actually charged on the instrument and the amount deemed to be chargeable thereon by virtue of subsection (4) of this section, provided that the application for repayment is made within two years after the date of the instrument.

Rates of wages and conditions of labour.

15.—(1) The Minister shall not make a grant under this Act in respect of work consisting of the erection, reconstruction or improvement of a house where it is shown to his satisfaction that rates of wages have not been paid or conditions of labour observed throughout the carrying out of the work at least as advantageous to the persons employed in carrying out the work as the appropriate rates of wages or conditions of labour generally recognised by trade unions at the time at which the work is begun in the area where the house is, or is proposed to be, situate.

(2) The Minister may, as a condition of his making a grant under this Act to any person or public utility society in respect of work consisting of the erection, reconstruction or improvement of a house, require the person or public utility society, as the case may be, to enter into any undertaking that seems proper to the Minister as to the rates of wages to be paid or the conditions of labour to be observed in the carrying out of the work.

Repayment of grant to Minister on breach of undertaking.

16.—Where the Minister has paid to any person or body a grant under this Act or an instalment of a grant, and as a condition of his receiving the grant the person or body (as the case



may be) has given an undertaking to the Minister and the undertaking has not been complied with, the following provisions shall have effect, that is to say :

5 (a) the person or body, as the case may be, shall be liable to repay to the Minister the amount of the grant or instalment, as the case may be, and

(b) the amount may be recovered from the person or body, as the case may be, as a simple contract debt in any court of competent jurisdiction.

10 17.—Where, in the opinion of the Minister, the conditions subject to which a grant under this Act has been allocated by the Minister have not been complied with, the Minister may withhold the grant or reduce the amount thereof by such sum as he considers appropriate.

Withholding, or reduction in amount, of grant.

15 18.—Where a person who applies for a grant under this Act dies before the grant is paid, the grant may, subject to the provisions of this Act, be paid to his successor in title.

Payment of grant to successor of deceased applicant.

19.—In so far as the provisions of any local Act or of any bye-laws, rules, regulations or scheme under whatever authority made, relating to the construction, laying out or drainage of new buildings are inconsistent with any regulations made by the Minister under this Act, those provisions shall not apply in relation to any house in respect of which a grant is made by the Minister under this Act and which is in compliance with the regulations so made or is erected in accordance with plans and specifications approved by the Minister.

Restriction of local Acts.

20.—The maximum advance under section 1 of the Small Dwellings Acquisition Act, 1899, shall be such amount as the Minister may, with the consent of the Minister for Finance, fix from time to time.

Maximum advance under section 1 of Small Dwellings Acquisition Act, 1899.

1899, c. 44.

21.—(1) Section 16 (as amended by section 2 of the Housing (Amendment) Act, 1960) of the Act of 1948 is hereby amended by the deletion in paragraph (a) of subsection (1) of " and is completed on or before the 1st day of April, 1962 "

Amendment of sections 16 and 20 of Act of 1948, section 24 of Act of 1952 and section 11 of Act of 1956.

35 (2) Section 20 (as amended by section 2 of the Housing (Amendment) Act, 1960) of the Act of 1948, is hereby amended by the deletion in paragraph (a) of subsection (1) of " and is completed on or before the 1st day of April, 1962 "

1960, No. 13.

1960, No. 13.

40 (3) Section 24 of the Act of 1952 is hereby amended by the deletion of paragraph (a) of subsection (1).

(4) Section 11 of the Act of 1956 is hereby amended by the deletion in paragraph (ii) of subsection (1) of " and are completed on or before the 1st day of April, 1962 "

45 (5) The preceding subsections of this section shall be deemed to have come into operation on the 1st day of April, 1962.

22.—The Minister may, with the consent of the Minister for Finance, make a grant under this Act notwithstanding that a requirement of a statute or a statutory instrument has not been complied with in respect of the grant if a certificate of approval in respect of the relevant house has been issued by an officer of the

Making of grants by Minister notwithstanding noncompliance with a statute or statutory instrument.



Minister and the Minister is satisfied that the applicant for the grant has acted in good faith in proceeding to provide, reconstruct, repair or convert such house.

Regulations.

23.—(1) The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed. 5

(2) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next subsequent twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to anything previously done thereunder. 10

(3) No regulation which includes provision in respect of a payment to be made by the Minister shall be made by the Minister under this Act without the consent to that provision of the Minister for Finance. 15

Expenses.

24.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. 20

Repeals.

25.—(1) Each enactment mentioned in the *Third Schedule* to this Act is hereby repealed to the extent specified in the third column of that Schedule.

(2) Notwithstanding the repeal by this Act of section 16 of the Act of 1948, grants under that section may be paid after the passing of this Act in respect of works commenced before the 1st day of April, 1962. 25

Short title,  
construction and  
collective citation.

26.—(1) This Act may be cited as the Housing (Loans and Grants) Act, 1962. 30

(2) This Act in so far as it amends the Labourers Acts, 1883 to 1958, the Small Dwellings Acquisition Acts, 1899 to 1958, and the Housing (Financial and Miscellaneous Provisions) Acts, 1932 to 1960, shall be read and construed as one therewith respectively and may be cited together therewith as the Labourers Acts, 1883 to 1962, the Small Dwellings Acquisition Acts, 1899 to 1962, and the Housing (Financial and Miscellaneous Provisions) Acts, 1932 to 1962. 35

Section 2.

FIRST SCHEDULE.

RULES TO BE COMPLIED WITH BY CERTAIN HOUSES.

1. The total area of all the floors of a house measured in the prescribed manner shall not be less than 500 square feet nor more than 1,400 square feet.

2. A house shall contain at least three rooms.

3. Houses shall in respect of their sites, aspect, planning, construction, sanitation and number per acre comply with the prescribed conditions.

4. Houses shall in respect of the size, number of rooms and necessary appurtenances be in general accordance with prescribed plans or with such other plans as may be approved by the Minister. 35



# SECOND SCHEDULE.

Section 2.

## GRANTS TO BE MADE BY THE MINISTER.

Persons to whom grants will be made by the Minister	Where sewerage and piped water cannot reasonably be provided			Where sewerage and piped water supply are provided			Where sewerage and piped water supply are provided in an area where public sewerage scheme or public piped water supply is not available		
	Number of rooms in house			Number of rooms in house			Number of rooms in house		
	3	4	5 or more	3	4	5 or more	3	4	5 or more
Person providing house	£ 125	£ 175	£ 225	£ 175	£ 225	£ 275	£ 200	£ 250	£ 300
Public utility society providing house ...	135	185	235	185	235	285	210	260	310

# THIRD SCHEDULE.

Section 25.

## ENACTMENTS REPEALED.

Number and Year	Short Title	Extent of Repeal
No. 1 of 1948.	Housing (Amendment) Act, 1948.	Sections 16 and 20.
No. 16 of 1952.	Housing (Amendment) Act, 1952.	Sections 9, 10, 11 and 36.
No 16 of 1954.	Housing (Amendment) Act, 1954.	Sections 12 and 14.
No. 31 of 1956.	Housing (Amendment) Act, 1956.	Section 10.
No. 27 of 1958.	Housing (Amendment) Act, 1958.	Section 13.



## BILLE

(*mar a tugadh isteach*)

*dá ngairtear*

Acht do dhéanamh socrú breise agus feabhsaithe maidir le tithe agus, go háirithe, maidir le soláthar iasachtaí agus deontas ag an Stát agus ag údaráis áitiúla i leith tithe chun na críche sin do leasú, do leathnú agus d'aisghairm achtachán áirithe, agus do dhéanamh socrú maidir le nithe eile a bhaineann leis na nithe réamhráite.

*An tAire Rialtais Áitiúil a thug isteach.*

*Ordaiódh ag Dáil Éireann a chlóbhualadh,  
4 Iúil, 1962.*

BAILE ATHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilsíochán Rialtais  
An Stuaara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí  
aon díoltóir leabhar.

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## BILL

(*as introduced*)

*entitled*

An Act to make further and better provision with respect to housing and, in particular, with respect to the provision of loans and grants by the State and by local authorities in relation to housing, for that purpose to amend, extend and repeal certain enactments, and to make provision with respect to other matters connected with the matters aforesaid.

*Introduced by the Minister for  
Local Government.*

*Ordered by Dáil Éireann to be printed,  
4th July, 1962.*

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