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**BILLE NA dTITHE (FORALACHA ILGHNEITHEACHA), 1979
HOUSING (MISCELLANEOUS PROVISIONS) BILL, 1979**

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As initiated

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Devolution of administration of housing grants.
3. Grants by Minister for expenses of certain bodies.
4. Grants by Minister for provision of new houses.
5. Grants by Minister for improvement of houses.
6. Grants and other assistance by housing authorities for provision of new houses and improvement of houses.
7. Grants by Minister for housing of elderly persons and others.
8. Loans by housing authorities for improvement of houses.
9. Subsidies by Minister to housing authorities for provision of sites for private housing.
10. Subsidies by Minister for houses provided by housing authorities for letting.
11. Subsidies by Minister and housing authorities for purchase or construction of houses.
12. Subsidies by Minister for certain loans guaranteed by housing authorities.
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14. Amendment of section 5 of Principal Act.
15. Amendment of section 33 of Principal Act.
16. Amendment of section 60 of Principal Act.
17. Amendment of section 90 of Principal Act.
18. Certificates of reasonable value.
19. Statutory declarations.
20. Amendment of Building Societies Act, 1976.
21. Transfer of certain land by Minister for Health to Dublin Corporation and Commissioners of Public Works.
22. Repeals.
23. Short title, collective citation and construction.

SCHEDULE

ENACTMENTS REPEALED

ACTS REFERRED TO

Building Societies Act, 1976	1976, No. 38
Companies Act, 1963	1963, No. 33
Criminal Procedure Act, 1967	1967, No. 12
Central Bank Act, 1971	1971, No. 24
Health Act, 1970	1970, No. 1
Housing Act, 1966	1966, No. 21
Housing Acts, 1966 to 1970	
Income Tax Act, 1967	1967, No. 6
Insurance Acts, 1909 to 1978	
Labourers Act, 1936	1936, No. 24
Local Government (Sanitary Services) Act, 1962	1962, No. 26
Local Government (Sanitary Services) Acts, 1878 to 1964	
Registration of Title Act, 1964	1964, No. 16
Saint Laurence's Hospital Act, 1943	1943, No. 3
Trustee Savings Banks Acts, 1863 to 1965	



BILLE NA DTITHE (FORALACHA ILGHNEITHEACHA), 1979
HOUSING (MISCELLANEOUS PROVISIONS) BILL, 1979

BILL

entitled

5 AN ACT TO AMEND AND EXTEND THE HOUSING ACTS,
1966 TO 1970, AND TO PROVIDE FOR CERTAIN OTHER
MATTERS IN RELATION TO HOUSING.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act, save where the context otherwise requires— Interpretation.

10 “building society” means a society incorporated under the Building Societies Act, 1976;

“certificate of reasonable value” means a certificate granted under section 18 of this Act;

“house” includes any outoffice, yard, garden or other land appurtenant thereto or usually enjoyed therewith and any building or part of a building used or suitable for use as a dwelling and “housing” shall be construed accordingly;

“improvement works”, in relation to a house, includes the provision and installation of a private water supply or private sewerage facilities in the house and any works carried out to the house (whether for the purpose of extending, enlarging, improving, repairing or converting it) that, in the opinion of the Minister, are reasonably necessary for the purpose of rendering the house more suitable for human habitation, but does not include decoration;

25 “the Principal Act” means the Housing Act, 1966.

(2) References in the Principal Act, as amended, to a grant, loan or contribution under that Act shall be construed as including references respectively to a grant, loan or subsidy under this Act.

2.—(1) The Minister may, with the consent of the Minister for Finance and the Minister for the Public Service and subject to such regulations as may be made by the Minister for the purposes of this section, authorise designated housing authorities to discharge on his behalf the function of paying grants of one or more, as may be specified in the regulations, of the kinds of grants that the Minister is empowered to pay under the Principal Act or this Act.

Devolution of administration of housing grants.

(2) Before making regulations under this section, the Minister shall consult with a housing authority affected by the regulations.

(3) Regulations under this section may contain such provisions as the Minister considers necessary or expedient for the purposes of the section, including provisions in relation to the liability for payment of administrative costs incurred by a housing authority under the section. 5

(4) This section shall be deemed to have come into operation on the 14th day of May, 1973.

Grants by Minister
for expenses of
certain bodies.

3.—(1) The Minister may, with the consent of the Minister for Finance, pay, out of moneys provided by the Oireachtas, a grant in respect of the administrative and general expenses of a body to which this section applies and which is approved of by the Minister for the purposes of this section. 10

(2) This section applies to a body which represents or promotes the formation of co-operative groups or voluntary associations which have as an object the provision of houses. 15

(3) A grant under this section shall be subject to such terms and conditions as may be determined by the Minister at the time of the making of the grant.

(4) This section shall be deemed to have come into operation on the 1st day of January, 1979. 20

Grants by Minister
for provision of
new houses.

4.—(1) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister for the purposes of this section, pay, out of moneys provided by the Oireachtas, a grant to a person providing a new house where— 25

(a) in case the person purchases the house, a contract for the purchase was not made before the 27th day of May, 1977, and

(b) in case the person builds the house, the foundations are or were completed on or after the 27th day of May, 1977. 30

(2) Regulations under this section may, in particular, but without prejudice to the generality of subsection (1) of this section, make provision in relation to all or any one or more of the following:

(a) the amount of a grant,

(b) the total floor area of a house the subject of a grant, 35 measured in such manner as may be determined by the Minister from time to time,

(c) a requirement that, where a house is provided for sale within the meaning of section 18 of this Act, a grant shall not be paid in respect of the house unless a certificate of reasonable value is granted under that section in respect of such sale and the conditions subject to which the certificate is granted are complied with, 40

(d) the occupation of the house,

(e) a requirement that the person to whom the grant is paid or the spouse of such person, either separately or with each other, has not previously purchased or built for his or their own occupation another house, 45

(f) requirements in relation to the financial and family circumstances of the person to whom the grant is paid, and 50

(g) requirements in relation to the payment of any other grant or subsidy in respect of the house under any enactment (including this Act).

(3) A grant shall not be paid under this section unless the house the subject of the grant complies with such conditions, if any, as may be determined by the Minister from time to time for the purposes of this section in relation to standards of construction of houses
5 and the provision of water, sewerage and other services therein.

(4) Where a house is damaged by fire, explosion or act of God and, in the opinion of the Minister, it would be less expensive for the owner of the house to provide a new house than to carry out all necessary improvement works to the first-mentioned house and refusal
10 by the Minister to pay a grant under this section in respect of the provision of the new house would cause undue hardship to the owner or his spouse, the Minister may, with the consent of the Minister for Finance, notwithstanding that a requirement of a regulation under this section in relation to matters specified in subsection (2) (e) of this
15 section has not been complied with, pay a grant under this section in respect of such provision if a grant would otherwise fall to be so paid.

(5) This section shall be deemed to have come into operation on the 6th day of July, 1977.

20 5.—(1) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister for the purposes of this section, pay, out of moneys provided by the Oireachtas, a grant to a person (including a housing authority) carrying out improvement works to a house.

Grants by Minister for improvement of houses.

25 25.—(2) Regulations under this section may, in particular, but without prejudice to the generality of subsection (1) of this section, make provision in relation to all or any one or more of the following:

- (a) the amount of a grant,
- (b) requirements in relation to the suitability of the house concerned for improvement,
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- (c) the occupation of the house,
- (d) requirements in relation to the type and purpose of the improvement works,
- (e) requirements in relation to the financial and family circumstances of the person to whom the grant is paid, and
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- (f) requirements in relation to the payment of any other grant or subsidy in respect of the house under any enactment (including this Act).

(3) A grant shall not be paid under this section unless the house
40 the subject of the grant, upon completion of the works concerned, complies with such conditions, if any, as may be determined by the Minister from time to time for the purposes of this section in relation to standards of construction of houses and the provision of water, sewerage and other services therein.

45 45.—(4) This section shall be deemed to have come into operation on the 1st day of June, 1972.

6.—(1) A housing authority may, with the consent of the Minister and the Minister for Finance and subject to such regulations as may be made by the Minister for the purposes of this section, pay a grant
50 to a person providing a new house or carrying out improvement works to a house.

Grants and other assistance by housing authorities for provision of new houses and improvement of houses.

(2) A housing authority may, with the consent of the Minister and the Minister for Finance and subject to such regulations as may be made by the Minister for the purposes of this section, make a contribution-in-kind (whether by way of building materials or labour or any other contribution) to a person in respect of improvement works which are being carried out by the person. 5

(3) Regulations under this section may, in particular, but without prejudice to the generality of subsection (1) of this section, make provision in relation to all or any one or more of the matters referred to in sections 4 (2) and 5 (2) of this Act. 10

(4) Regulations under this section, insofar as they relate to a grant paid by a housing authority in respect of a house for which a grant has previously been paid by the Minister for the Gaeltacht, shall not be made without the consent of that Minister.

(5) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister for the purposes of this section, contribute, out of moneys provided by the Oireachtas, to any expenditure incurred by a housing authority under this section. 15

(6) A grant shall not be paid, or other assistance given, under this section by a housing authority unless the house or works the subject of the grant or assistance complies or comply on completion with such conditions, if any, as may be determined by the Minister from time to time for the purposes of this section in relation to standards of construction of houses and the provision of water, sewerage and other services therein. 20 25

(7) A housing authority may impose, in relation to the payment of a grant or the giving of other assistance by them under this section, such conditions as they think fit. 22

(8) Section 38 of the Principal Act (which enables certain grants to be paid notwithstanding non-compliance with provisions made by or under statute) shall, with the consent of the Minister, apply to a grant or any contribution by a housing authority under this section as it applies to a grant referred to in that section. 30 35

(9) This section shall be deemed to have come into operation on the 1st day of February, 1972. 35

Grants by Minister for housing of elderly persons and others.

7.—(1) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister for the purposes of this section, pay, out of moneys provided by the Oireachtas, a grant to a body, approved of by the Minister, which provides (whether by erection, purchase, improvement or conversion works), one or more than one house for the accommodation of elderly persons or for the accommodation, as his normal place of residence, in the house or houses or within the precincts thereof, of a person providing welfare or caretaker services for such elderly persons. 40 45

(2) Regulations under this section may, in particular, but without prejudice to the generality of subsection (1) of this section, make provision in relation to all or any one or more of the matters referred to in sections 4 (2) and 5 (2) of this Act. 50

(3) A grant shall not be paid under this section unless the house or works the subject of the grant complies or comply on completion with such conditions, if any, as may be determined by the Minister from time to time for the purposes of this section in relation to standards of construction of houses and the provision of water, sewerage and other services therein. 55

(4) This section shall be deemed to have come into operation on the 1st day of January, 1978. 55

8.—(1) A housing authority may, with the consent of the Minister and the Minister for Finance and subject to such regulations as may be made by the Minister for the purposes of this section, make a loan to a person carrying out improvement works to a house.

Loans by housing authorities for improvement of houses.

5 (2) Subject to subsection (3) of this section, repayment of a loan under this section in respect of a house shall be secured—

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

10 (b) by charging the house under the Registration of Title Act, 1964, with the repayment of the loan (together with the interest payable thereon),

(c) by the deposit with the housing authority of the land certificate issued under the said Act in relation to the house, or

15 (d) where such ownership is already vested in a person other than the borrower subject to a right of redemption by the borrower, by 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.

(3) In case a loan to be made under this section does not exceed such amount as may be prescribed from time to time for the purposes of this subsection, the housing authority concerned may make the loan without requiring the security referred to in subsection (2) of this section.

(4) Regulations under this section may, in particular, but without prejudice to the generality of subsection (1) of this section, make provision in relation to all or any one or more of the following:

(a) the amount of a loan,

(b) requirements in relation to the suitability of the house concerned for improvement,

(c) the occupation of the house,

35 (d) requirements in relation to the type and purpose of the improvement works,

(e) requirements in relation to the financial and family circumstances of the person to whom the loan is made.

(5) A loan shall not be made under this section unless the house 40 the subject of the loan, upon completion of the works concerned, complies with such conditions, if any, as may be determined by the Minister from time to time for the purposes of this section in relation to standards of construction of houses and the provision of water, sewerage and other services therein.

45 (6) Any sum due to a housing authority by any person in respect of a loan made under this section may, without prejudice to any other power in that behalf, be recovered by the authority from that person as a simple contract debt in any court of competent jurisdiction.

50 (7) In this section "ownership" means such interest or combination of interests in a house as constitutes either a fee simple interest in possession or a leasehold interest (including fee farm grant) 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 55 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.

Subsidies by
Minister to housing
authorities for
provision of sites
for private housing.

9.—The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister for the purposes of this section, pay to a housing authority, out of moneys provided by the Oireachtas, a subsidy of such amount as he may determine towards the annual loan charges incurred by the authority in respect of the provision by them of a site for the erection (other than by or for a housing authority) of a house. 5

Subsidies by
Minister for houses
provided by
housing authorities
for letting.

10.—(1) (a) The Minister may, in respect of the period commencing on the 1st day of April, 1973, and ending on the 31st day of December, 1976, with the consent 10 of the Minister for Finance, pay, out of moneys provided by the Oireachtas, a subsidy of such amount as he may determine towards the expenditure incurred by a housing authority in respect of—

- (i) moneys borrowed by the authority for the provision of a house for letting in respect of which a grant under section 15 of the Principal Act has not been paid, and 15

(ii) the maintenance, management and improvement 20 of such a house.

(b) A subsidy under this subsection shall be subject to such conditions, if any, as the Minister may specify and, without prejudice to the generality of the foregoing, the conditions may include conditions relating to rent, purchase of the house concerned, standards 25 of construction, contributions from the housing authority concerned towards the expenditure involved and expenditure on the maintenance, management and improvement of the house concerned.

(2) The Minister may, in respect of the financial year 1977 and 30 subsequent financial years, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister for the purposes of this section, pay to a housing authority, out of moneys provided by the Oireachtas, a subsidy not exceeding an amount equal to the amount of the annual loan charges incurred 35 by the authority in respect of—

- (a) the provision of a house for letting and ancillary works in relation to such a house,

(b) the acquisition of land for the purposes of the provision by the authority of houses for letting by the authority, and 40

(c) works carried out in relation to completed houses provided under section 56 of the Principal Act, being works which, having regard to the exceptional circumstances requiring them, were approved of by the Minister on or before the 31st day of December, 1977. 45

(3) Regulations under this section may, in particular, but without prejudice to the generality of subsection (2) of this section, make provision in relation to all or any one or more of the following matters:

- (a) the rent of the house concerned, 50

(b) the purchase of the house and the application by the housing authority of the proceeds of such a purchase,

(c) contributions towards the expenditure concerned from the housing authority,

(d) expenditure on the maintenance, management and improvement of the house, and 55

(e) requirements in relation to the payment of any other grant or subsidy in respect of the house under any enactment (including this Act). 22

(4) A subsidy shall not be paid under this section unless the house or works the subject of the subsidy complies or comply on completion with such conditions, if any, as may be determined by the Minister from time to time for the purposes of this section in relation to standards of construction of houses and of works and the provision of water, sewerage and other services in houses.

(5) A subsidy under subsection (2) of this section may, with the consent of the Minister for Finance, be made either to the housing authority concerned or to the person who made the loan in respect 10 of which the loan charges concerned were incurred.

(6) The Commissioners of Public Works in Ireland may, with the consent of the Minister for Finance, write off moneys payable to the Commissioners by housing authorities in respect of loans made by the Commissioners to the authorities for the purpose of the 15 provision of houses.

(7) This section shall be deemed to have come into operation on the 1st day of April, 1973.

11.—(1) (a) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister for the purposes of this section, pay a subsidy to a housing authority out of moneys provided by the Oireachtas where the authority—

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- (i) make a loan under section 39 of the Principal Act,
or
 - (ii) sell a house under section 90 of the Principal Act to a person who is not the tenant of the house in a case in which the purchase money is payable by instalments.

Subsidies by Minister and housing authorities for purchase or construction of houses.

(b) Where the Minister pays a subsidy under this subsection to a housing authority, the authority shall reduce the amount of the relevant repayments of the loan concerned or the relevant instalments of the purchase money concerned, as the case may be, by amounts the total of which is equal to the amount of the subsidy.

(2) (a) Where a housing authority—

- (i) make a loan under section 39 of the Principal Act,
or
- (ii) sell a house under section 90 of the Principal Act to a person who is not the tenant of the house and the purchase money is payable by instalments,

the authority may, with the consent of the Minister and the Minister for Finance and subject to such regulations as may be made by the Minister for the purposes of this section, pay a supplementary subsidy not exceeding the amount of a subsidy under subsection (1) of this section to the person to whom the loan is made or the house is sold, as the case may be, in respect of expenditure incurred by him in relation to the transaction to which the loan or sale relates.

(b) A subsidy under this subsection shall be paid by means of a reduction of the relevant repayments of the loan concerned or the relevant instalments of the purchase money concerned, as the case may be, by amounts the total of which is equal to the amount of the subsidy.

- (3) Regulations under this section may, in particular, but without prejudice to the generality of subsections (1) and (2) of this section, make provision in relation to all or any one or more of the following:
- (a) the amount of a subsidy under subsection (1) of this section,
 - (b) the prohibition of the payment of a subsidy under this section 5 to a person to whom, or to whose spouse, a subsidy under this section has previously been paid,
 - (c) a requirement that upon—
 - (i) the sale of a house by a person to whom a loan or sale specified in subsection (1) of this section is made 10 in respect of that house,
 - (ii) the lease, letting or transfer of a house to which this section refers to a person other than the spouse, parent, son or daughter of such person as aforesaid, or 15
 - (iii) the redemption of a loan made under section 39 of the Principal Act or the payment of the purchase money, in relation to a sale under section 90 of the Principal Act,

within a specified period after the payment of a subsidy 20 under this section in relation to the relevant loan or sale, as the case may be, the person shall pay to the housing authority a specified amount not exceeding the amount of the subsidy or subsidies, and the authority shall pay to the Minister a specified amount not exceeding the 25 amount of the subsidy paid under subsection (1) of this section.

(4) This section shall be deemed to have come into operation on the 22nd day of November, 1976.

Subsidies by Minister for certain loans guaranteed by housing authorities.

12.—(1) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister for the purposes of this section, pay, out of moneys provided by the Oireachtas, a subsidy to a building society in respect of interest payable for any period commencing on or after the 1st day of June, 1977, on a loan that was or is made by the society for the 35 provision of a house and which was or is guaranteed by a housing authority under section 42 of the Principal Act.

(2) This section shall be deemed to have come into operation on the 1st day of June, 1977.

Duty of housing authorities in certain circumstances to put houses into good structural condition.

13.—(1) Where a housing authority propose to make a vesting 40 order under section 17 of the Labourers Act, 1936, or to make a transfer order under section 90 of the Principal Act vesting a house in the tenant thereof in fee simple and the house is not in good structural condition, the authority shall, subject to subsection (2) of this section, before making the order, carry out such works as are 45 necessary to put the house into good structural condition.

(2) Where a housing authority propose to make an order described in subsection (1) of this section and the house concerned is not in good structural condition, the authority may make the order without carrying out such works as are necessary to put the house into good 50 structural condition if the authority and the tenant of the house have entered into an agreement in writing that—

- (a) the tenant shall carry out, or cause to be carried out, within a specified time after the making of the order, specified works in relation to the house, being works that in the 55 opinion of the authority and the tenant are necessary to put the house into good structural condition,
- (b) the authority shall pay to the tenant a specified sum, not exceeding the amount estimated by the authority to be the cost of the specified works, upon the completion of the 60

works to the satisfaction of the authority within the specified time or such further time, if any, as may be allowed by the authority,

- 5 (c) the authority, upon being satisfied that the specified works have been properly completed, shall grant to the tenant a certificate stating that they are so satisfied,

10 (d) if the tenant fails to complete the specified works to the satisfaction of the authority within the specified time, or such further time, if any, as may be allowed by the authority, the authority may carry out the works or such part thereof as has not been carried out and shall deduct from the sum otherwise payable by them to the tenant pursuant to paragraph (b) of this subsection the reasonable costs of any such works carried out by them, and

15 (e) the tenant may, not earlier than the commencement of the agreement and not later than the expiration of twenty-one days beginning on the day on which the authority make a payment to the tenant under this section, and subject to subsection (8) of this section, apply to the Minister for a determination in relation to any doubt, dispute or question as to compliance by the authority with the terms of the agreement, and the Minister shall determine the doubt, dispute or question.

20 (3) Where an agreement under subsection (2) of this section is entered into by a housing authority in relation to a house, the authority, without prejudice to any other power to withhold consent, shall not, in a case where alienation of the house cannot be effected without the consent of the authority, give their consent to the alienation of the house unless they have granted a certificate as described in paragraph (c) of that subsection in relation to the house or unless the Minister has, in exercising his power under paragraph (e) of that subsection, determined that the specified works have been properly completed.

25 (4) A grant under section 5 or 6 of this Act shall not be paid in respect of the carrying out of works specified in an agreement under subsection (2) of this section.

30 (5) Where a housing authority make an order of the kind described in subsection (1) of this section, they shall, as soon as may be after the making of the order, notify the purchaser concerned of the making of the order and, where an agreement under subsection (2) of this section has not been entered into, the said notification shall include details of the rights of the purchaser under subsection (6) of this section.

35 (6) Where a housing authority make an order of the kind described in subsection (1) of this section, and the authority and the purchaser concerned have not entered into an agreement under subsection (2) of this section in relation to the house concerned, the purchaser may, not later than the expiration of the period of twenty-one days beginning on the day on which he is notified under subsection (5) of this section of the making of the order, apply to the Minister for a determination in relation to any doubt, dispute or question as to whether or not the house is in good structural condition and the Minister shall determine the doubt, dispute or question.

40 (7) If the Minister determines under subsection (6) of this section that a house is not in good structural condition, he shall specify the works that, in his opinion, are necessary to put the house into good structural condition, and the works so specified shall be carried out by the housing authority and neither the fact that an order of the kind referred to in subsection (1) of this section has been made in relation to the house nor the terms of the order shall be taken as preventing the works from being carried out.

(8) An application under subsection (2) or (6) of this section for a determination by the Minister shall be accompanied by a fee of such amount as may be prescribed from time to time for the purposes of this section.

Amendment of
section 5 of
Principal Act.

14.—Section 5 of the Principal Act is hereby amended as respects 5 regulations made after the commencement of this section by the insertion of the following subsections:

“(4) Regulations under this Act may be expressed to apply either generally or to areas, houses, loans, persons, works or other matters of a specified class or classes and different provisions of such regulations may be expressed to apply in relation to different classes of areas, houses, loans, persons, works or other matters. 10

(5) Regulations under this Act may provide for compliance by houses with conditions as to site, aspect, planning and number 15 per hectare and with such plans as may be approved of by the Minister.”.

Amendment of
section 33 of
Principal Act.

15.—(1) Where, in respect of a new house—

(a) either—

(i) a certificate was or is granted by the Minister on or 20 after the 1st day of January, 1976, stating that the consideration for the sale of the house did not exceed the amount appearing to the Minister to represent reasonable value for the purposes of section 35 (2) (a) (ii) of the Principal Act, or 25

(ii) a certificate was or is granted by the Minister on or after that date dispensing with a requirement of the Minister that there be in relation to the house a certificate of the kind referred to in subparagraph (i) of this paragraph, 30

and

(b) a certificate was or is granted by the Minister stating that the house had or has been satisfactorily completed,

section 33 (1) of the Principal Act shall apply, and be deemed always to have applied, in relation to the revised valuation of the 35 tenement consisting of or including the house notwithstanding that a grant referred to in that section was not paid in respect of the house.

(2) Where a grant was or is paid under section 6 of this Act in respect of improvement works to a house for the accommodation of 40 a physically disabled person or a severely mentally handicapped person, section 33 (4) of the Principal Act shall apply, and be deemed always to have applied, in relation to the valuation of the tenement consisting of or including the house.

Amendment of
section 60 of
Principal Act.

16.—Section 60 of the Principal Act is hereby amended by the 45 substitution for subsection (8) of the following subsection:

“(8) For the purpose of determining the order of priority to be followed in the making of lettings to persons in accordance with the relevant scheme under this section the housing authority may obtain a report from a medical officer of health 50 of the health board established under the Health Act, 1970, in

whose functional area the functional area of the housing authority is situate and, if they obtain such a report, they shall have regard to it for the purpose aforesaid.”.

17.—(1) The Minister may—

Amendment of
section 90 of
Principal Act.

- 5 (a) direct a housing authority to offer for sale under section 90 of the Principal Act a house of the authority of such class as may be specified in the direction,
- (b) direct a housing authority not to sell a house of the authority of such class as may be specified in the direction,
- 10 (c) revoke or amend a direction under this section.

(2) Section 90 of the Principal Act shall apply, and be deemed always to have applied, to a building consisting of a house and a shop, together with any outoffice, yard, garden or other land appurtenant thereto or usually enjoyed therewith.

- 15 18.—(1) (a) Subject to subsection (3) of this section and to such regulations as may be made by the Minister for the purposes of this section, the Minister, on the application in writing of a person who appears to the Minister to be providing for sale a new house, may, subject to compliance by the person with the provisions of this section, grant to the person in respect of the sale of the house a certificate (which shall be known as a certificate of reasonable value and is in this section referred to as “a certificate”) stating that the house appears to the Minister at the time of the granting of the certificate and on the basis of the information available to the Minister at that time to represent reasonable value for the amount specified in the certificate, and specifying such other matters, if any, as the Minister considers appropriate.

Certificates of
reasonable value.

- 20 (b) The Minister may, on the application in writing of a person in relation to a new house, if it appears to the Minister that the house is not being provided for sale, grant to the person a certificate (which shall be known as a certificate of exemption) stating that it so appears to the Minister.

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(2) (a) A loan of an amount that is—

- 40 (i) more than an amount standing specified for the time being in any regulations made by the Minister for the purposes of this subparagraph, or
- (ii) less than an amount standing specified for the time being in any regulations made by the Minister for the purposes of this subparagraph,

- 45 shall not be made by a housing authority or by an assurance company, a bank, a building society or other industrial or commercial organisation (hereinafter referred to as “the lender”) in respect of a new house unless the person who made the application for the loan furnishes to the lender either a certificate in respect of the sale of the house, or a certificate of exemption in respect of the house, and any other provisions of regulations made for the purposes of this paragraph are complied with.

- 50 (b) A person who contravenes paragraph (a) of this subsection shall be guilty of an offence.

(3) The Minister shall not grant a certificate in respect of the sale of a house—

- (a) if the amount of the consideration for the sale (in this section subsequently referred to as "the price") is greater than the greatest amount for which, in the opinion of the Minister, the house represents reasonable value, or 5
- (b) if the price is greater than an amount standing prescribed for the time being under subsection (7) (g) of this section, or
- (c) if the sale is completed before the date of the receipt by the Minister of an application for the certificate. 10

(4) The Minister may revoke a certificate at any time and grant another certificate in different terms from the first certificate in respect of the sale to which the first certificate related.

(5) (a) An application to the Minister for the grant of a certificate or a certificate of exemption shall be supported by such information as the Minister may require for the purpose of his functions under this section in relation to the grant. 15

(b) A person who furnishes information to the Minister under this section that is false or misleading shall be guilty of 20 an offence.

(6) (a) It shall be the duty of a person to whom a certificate is granted in respect of the sale of a house to ensure that the standards in relation to—

(i) the design, specification, construction and finish of the 25 house,

(ii) the nature and quality of the materials used in the construction and finish of the house,

(iii) the total floor area of the house, measured in such manner as may be determined by the Minister from 30 time to time,

(iv) such fixtures, fittings or other articles as are included with the house in the sale, their design, manufacture and finish and their nature and quality, and

(v) the fitting or installation of the fixtures, fittings and 35 articles aforesaid,

are not inferior to or less in value than those specified, expressly or by implication, by the person to the Minister under subsection (5) of this section.

(b) It shall be the duty of a person to whom a certificate is 40 granted in respect of the sale of a house, and of the purchaser of the house on that sale, to ensure that the price charged or paid for the sale, as the case may be, is not greater than the amount specified in the certificate, such amount being varied, where appropriate, to take 45 into account the reasonable additional cost, or saving, caused by any alteration—

(i) of the standards referred to in paragraph (a) of this subsection or in relation to the matters referred to in subparagraphs (i) to (v) of that paragraph, or 50

(ii) if the price aforesaid is stated in the certificate to be subject to variation, of the cost of the provision of the house and of any fixtures, fittings or other articles included in the sale thereof.

(c) A person who contravenes *paragraph (a)* or *(b)* of this subsection shall be guilty of an offence.

(7) Without prejudice to the generality of subsections (1) and (2) of this section, regulations under this section may make provision in relation to all or any one or more of the following:

(a) requirements in relation to an application to the Minister for a certificate or a certificate of exemption that shall be complied with by the person making the application,

(b) conditions to which the grant of a certificate shall be subject,

10 (c) requirements as to the total floor area of a house to which a certificate relates,

(d) requirements in relation to conditions or clauses in a contract for the sale of a house to which a certificate relates providing for the variation of the price for the sale,

15 (e) requirements in relation to the contents and display of notices at or near houses or sites where houses are being or are to be provided, being houses or proposed houses to which certificates relate,

20 (f) requirements in relation to the inspection of houses and sites by officers of the Minister, and

(g) the amount that is the greatest price that may be specified by the Minister in a certificate.

(8) (a) Without prejudice to any penalties which may be imposed under this section, the Minister may, at his discretion, in any case where he is satisfied that a person to whom a certificate was granted has supplied information under subsection (5) (a) of this section that is false or misleading or has contravened *paragraph (a)* or *(b)* of subsection (6) of this section, or a condition subject to which the certificate was granted, do either or both of the following, that is to say:

(i) revoke the certificate in respect of which the contravention has occurred,

35 (ii) refuse for such period as he considers appropriate (but not exceeding five years from the date of the notification to the person under *paragraph (b)* of this subsection) to grant a certificate to the person or to a person connected with him (any question whether a person is connected with another person being, for the purposes of this subsection, determined in accordance with section 96 (3) of the Income Tax Act, 1967, with the modification that references in the said section 96 (3) to control in relation to a company shall be construed as references to the ownership of not less than 20 per cent in nominal value of the share capital of the company).

40 (b) Before the Minister exercises a power under this subsection, he shall notify in writing the person concerned of his intention to do so and shall include in the notification particulars of the nature of and the reasons for such exercise and shall consider any representations from the person concerned if they are received by the Minister not later than the expiration of the period of 21 days beginning on the day on which he is notified under this paragraph.

45 (c) In exercising a power under this subsection, the Minister shall notify in writing the person concerned of his decision.

(d) A person may, within a period of three months beginning on the date of receipt by him of the Minister's decision under paragraph (a) of this subsection or of his opinion under subsection (14) of this section, appeal to the High Court against the decision or opinion and on such appeal the High Court may affirm, reverse or vary such decision or opinion. 5

- (9) (a) A person shall not forge a document purporting to be a certificate or a certificate of exemption.
- (b) A person shall not, with intent to deceive, either alter or 10 use a certificate or a certificate of exemption.
- (c) A person who contravenes this subsection shall be guilty of an offence.

(10) Where— 15

- (a) a person to whom a certificate has been granted contravenes a condition subject to which it was granted, or
- (b) a person contravenes a regulation under this section,

he shall be guilty of an offence.

(11) Where the commission by any person of an offence under 20 this section is due to the act or default of some other person, that other person shall also be guilty of the offence and may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

(12) (a) In any proceedings for an offence under this section it 25 shall, subject to paragraph (b) of this subsection, be a defence for the person charged to prove—

- (i) that the commission of the offence was due to a mistake or to the act or default of another person or the reliance on information supplied to him by 30 another person, an accident or some other cause beyond his control, and
- (ii) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any other person under his 35 control.

(b) If in any case the defence provided by paragraph (a) of this subsection involves the allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, not less than seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession. 45

(13) (a) A person guilty of an offence under this section shall be liable on conviction on indictment to a fine not exceeding £10,000.

(b) A Justice of the District Court shall have jurisdiction to try summarily an offence under this section if— 50

- (i) the Justice is of opinion that the facts proved or alleged against a defendant charged with such an offence constitute a minor offence fit to be tried summarily.

- (ii) the Director of Public Prosecutions consents, and
- (iii) the defendant (on being informed by the Justice of his right to be tried by a jury) does not object to being tried summarily,
- 5 and, upon conviction under this paragraph, the said defendant shall be liable to a fine not exceeding £500.
- 10 (c) Section 13 of the Criminal Procedure Act, 1967, shall apply in relation to an offence under this section as if, in lieu of the penalties specified in subsection (3) of that section, there were specified therein the penalty provided for by *paragraph (b)* of this subsection and the reference in subsection (2) (a) of that section to the penalties provided for in subsection (3) of that section shall be construed accordingly.
- 15 (14) In this section—
- “assurance company” has the meaning assigned to it by the Insurance Acts, 1909 to 1978;
- “bank” means the holder of a licence under section 9 of the Central Bank Act, 1971, or a trustee savings bank certified under the Trustee Savings Banks Acts, 1863 to 1965;
- 20 “company” has the meaning assigned to it by section 2 of the Companies Act, 1963;
- “loan” shall not include moneys advanced for a period not exceeding three years;
- 25 “sale”, in relation to a house, includes a sale of land and an agreement relating to the erection of a house thereon which, in the opinion of the Minister, is associated with such sale irrespective of whether—
- (i) such sale is conditional on the making of such agreement, or
- (ii) the vendor of the land is a party to such agreement.
- 30 19.—It shall be lawful for a member of the Garda Síochána or a person in Holy Orders or a regular minister of any religious denomination or community to take and receive a statutory declaration for the purpose of the making of an application for a grant, loan or subsidy under this Act. Statutory declarations.
- 35 20.—The Building Societies Act, 1976, is hereby amended— Amendment of Building Societies Act, 1976.
- (a) in section 30, by the substitution of the following subsection for subsection (2):
- 40 “(2) If any officer, member or agent of the society refuses to produce to the inspector any book or document which it is his duty under this section to produce or refuses to answer any question put to him by the inspector with respect to the affairs of the society, he shall be guilty of an offence.”, and
- (b) in section 77, by the substitution of the following subsection for subsection (1):
- 45 “(1) Whenever the Minister considers it expedient, in the interests of the orderly and proper regulation of building society business and having regard to the demand for loans for house purchase and the financial needs of the national housing programme, he may, with the consent of the Minister for Finance and after consultation with the Registrar, make regulations in

relation to the purposes and amounts of loans by societies and the conditions subject to which such loans may be made.”.

Transfer of certain land by Minister for Health to Dublin Corporation and Commissioners of Public Works.

21.—(1) In this section—

“the Commissioners” means the Commissioners of Public Works in Ireland; 5

“the Corporation” means the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin;

“the Minister” means the Minister for Health.

(2) The Minister may by order—

(a) for such consideration as may be specified in the order, transfer to the Commissioners a specified part of the land acquired by him under Part III of the Saint Laurence's Hospital Act, 1943, and 10

(b) for such consideration as may be specified in the order, transfer to the Corporation the remainder of the said land for housing purposes. 15

(3) (a) An order under subsection (2) (a) of this section shall operate to vest the land described in the order in the Commissioners freed and discharged from all trusts for all the estate and interest for which such land is vested in the Minister. 20

(b) An order under subsection (2) (b) of this section shall operate to vest the land described in the order in the Corporation freed and discharged from all trusts for all the estate and interest for which such land is vested in the Minister. 25

Repeals.

22.—(1) The enactments specified in column (2) of the Schedule to this Act are hereby repealed to the extent specified in column (3) of that Schedule.

(2) Where—

(a) an application for a grant under section 15, 16 or 18 of the Principal Act was received by the Minister or the council of a county acting on behalf of the Minister on or before the 30th day of December, 1977, and the house to which the application relates was, in the opinion of the Minister or the council, satisfactorily completed on or before the 31st day of December, 1978, 35

(b) works, consisting of the installation of a group water supply or group sewerage facilities or both and in respect of which a grant is payable under section 2 of the Local Government (Sanitary Services) Act, 1962, commenced on or before the 31st day of October, 1977, and are or were, in the opinion of the Minister, satisfactorily completed on or before the 31st day of December, 1979, 40

(c) in the case of works in respect of which a grant is payable under the said section 2, not being works of a kind referred to in paragraph (b) of this subsection, an application for a grant under that section was received by the Minister or a sanitary authority acting on behalf of the Minister on or before the 31st day of October, 1977, and the works were, in the opinion of the Minister or the sanitary authority, satisfactorily completed on or before the 31st day of December, 1978, 45
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(d) an application for a grant under section 19, 21, 22, 23, 24 or 25 of the Principal Act was received by the Minister or the council of a county acting on behalf of the Minister on or before the 31st day of January, 1978, and the works concerned commenced on or before the 31st day of October, 1977, and were, in the opinion of the Minister or the council, satisfactorily completed before the 31st day of December, 1978, or

10

(e) an application for a grant under section 26, 27, 28, 29, 30, 31 or 32 of the Principal Act or section 3 of the Local Government (Sanitary Services) Act, 1962, is received by the appropriate housing authority or sanitary authority on or before the 31st day of December, 1979,

15

and, but for *subsection (1)* of this section, the grant would fall to be paid, then, notwithstanding that subsection, the grant may be paid provided that the application for the payment of the grant is received by the Minister or the appropriate housing authority or sanitary authority, as the case may be, on or before the 31st day of January, 1980.

20

(3) A regulation made under a provision repealed by this section and in force immediately before the commencement of this section shall, insofar as it could have been made under a corresponding provision of this Act, continue in force after such commencement as if it had been made under the corresponding provision of this Act and may be amended or revoked accordingly.

25

(4) In this section "sanitary authority" means a sanitary authority for the purposes of the Local Government (Sanitary Services) Acts, 1878 to 1964.

30

23.—(1) This Act may be cited as the Housing (Miscellaneous Provisions) Act, 1979.

Short title,
collective citation
and construction.

(2) The Housing Acts, 1966 to 1970, and this Act may be cited together as the Housing Acts, 1966 to 1979, and shall be construed together as one Act.

SCHEDULE

Section 22.

Enactments Repealed

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 26 of 1962	Local Government (Sanitary Services) Act, 1962.	Sections 2, 3, 4 and 5.
No. 21 of 1966	Housing Act, 1966.	Sections 13 to 32, 35 (2), 40, 44, 90 (6) (a), 98 (5) and 106.

BILLE NA dTITHE (FORALACHA
ILGHNEITHEACHA), 1979

an tAire Comhshaoil a thíolaic,
27 Aibreán, 1979

BILLE

(*mar a tionscnaiodh*)

dá ngairtear

Acht do leasú agus do leathnú Achtanna na
dTithe, 1966 go 1970, agus do dhéanamh
socrú i dtaobh nithe áirithe eile i ndáil le
tithíocht.

HOUSING (MISCELLANEOUS PROVISIONS)
BILL, 1979

the Minister for the Environment,
27 April, 1979

BILL

(*as initiated*)

entitled

An Act to amend and extend the Housing Acts,
1966 to 1970, and to provide for certain
other matters in relation to housing.

*An tAire Comhshaoil a thíolaic,
27 Aibreán, 1979*

*Presented by the Minister for the Environment,
27th April, 1979*

BÁILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.
Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais,
An Stuara, Ard Oifig an Phoist, Baile Átha Cliath, nó trí
aon dioltóir leabhar.

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