



BILLE NA dTITHE (FORÁLACHA ILGHNÉITHEACHA), 1985
HOUSING (MISCELLANEOUS PROVISIONS) BILL, 1985

Mar a tionscnaíodh
As initiated

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Section

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SCHEDULE

ENACTMENTS REPEALED

ACTS REFERRED TO

Building Societies Act, 1976	1976, No. 38
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City and County Management (Amendment) Act, 1955	1955, No. 12
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Credit Union Act, 1966	1966, No. 19
Health Act, 1970	1970, No. 1
Housing Act, 1966	1966, No. 21
Housing Act, 1969	1969, No. 16
Housing (Miscellaneous Provisions) Act, 1979	1979, No. 27
Housing Act, 1984	1984, No. 1
Housing Acts, 1966 to 1979	
Housing Finance Agency Act, 1981	1981, No. 37
Industrial and Provident Societies Acts, 1893 to 1978	
Insurance Acts, 1909 to 1985	
Labourers Act, 1936	1936, No. 24
Local Government (Planning and Development) Act, 1963	1963, No. 28
Local Government (Planning and Development) Acts, 1963 to 1983	
Registration of Deeds Act, 1707	6 Anne, c. 2
Registration of Title Act, 1964	1964, No. 16
Registry of Deeds (Ireland) Act, 1832	2 & 3 Will. 4. c. 87
Towns Improvement (Ireland) Act, 1854	17 & 18 Vict. c. 103
Trustee Savings Banks Acts, 1863 to 1979	



BILLE NA dTITHE (FORÁLACHA ILGHNÉITHEACHA), 1985
HOUSING (MISCELLANEOUS PROVISIONS) BILL, 1985

BILL

entitled

- 5 AN ACT TO AMEND AND EXTEND THE HOUSING ACTS,
1966 TO 1979, TO AMEND THE CITY AND COUNTY MAN-
AGEMENT (AMENDMENT) ACT, 1955, THE LOCAL
GOVERNMENT (PLANNING AND DEVELOPMENT)
10 ACT, 1963, AND THE BUILDING SOCIETIES ACT, 1976,
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.

“the Act of 1979” means the Housing (Miscellaneous Provisions) Act,
15 1979;

“house” has the meaning assigned to it by the Act of 1979;

“mortgage” means any instrument of mortgage or charge given as
security for a loan for the construction, acquisition or improvement
of a house, and cognate words shall be construed accordingly;

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

(2) In this Act reference to a section is to a section of this Act and
reference to a subsection, paragraph or subparagraph is to the
subsection, paragraph or subparagraph of the provision in which the
reference occurs, unless it is indicated that reference to some other
25 enactment or provision, as may be appropriate, is intended.

(3) References in the Housing Acts, 1966 to 1979, to a grant,
loan, subsidy or contribution under those Acts shall be construed
as including references, respectively, to a grant, loan, subsidy or
contribution under this Act.

30 (4) A reference in this Act to any enactment shall be construed as
a reference to that enactment as amended or adapted by or under
any subsequent enactment.

2.—(1) Subject to *subsection (2)*, a person shall be regarded by a housing authority as being homeless for the purposes of this Act if— Homeless persons
for the purposes of
this Act.

(a) there is no accommodation available which, in the opinion of the authority, he, together with any other person who normally resides with him or who might reasonably be expected to reside with him, can reasonably occupy or remain in occupation of; or 5

(b) he is living in a hospital, county home, night shelter or other such institution, and is so living because he has no accommodation of the kind referred to in *paragraph (a)*.

(2) Notwithstanding *subsection (1)*, a person shall not be regarded as being homeless for the purposes of this Act if the housing authority 10 are of the opinion that he has deliberately or without good and sufficient reason done or failed to do anything (other than an action or omission in good faith) in consequence of which accommodation is not available to him which it would have been, or would be, reasonable for him to occupy. 15

Subsidy for
purchase or building
of houses.

3.—(1) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister under this section, pay, out of moneys provided by the Oireachtas, a subsidy towards the loan charges incurred by a person in respect of a loan made by an assurance company, a bank, a 20 building society, a credit union, any other industrial or commercial organisation, the Housing Finance Agency plc or a housing authority for the purchase or building of a house.

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

(a) the amount of a subsidy and the manner of its payment, including payment by instalments, the amount of instalments and the times at, and conditions under, which instalments are payable; 30

(b) the payment to the body making the loan of a subsidy on behalf of the person to whom it is payable under *subsection (1)* and the conditions under which it is so paid to that body;

(c) the class or classes of houses in respect of which a subsidy 35 may be paid and the class or classes of persons to whom a subsidy may be paid;

(d) requirements in relation to the loan for the house;

(e) requirements in relation to the previous purchase or building of a house by a person or the spouse of such person; 40

(f) the occupation of the house;

(g) requirements in relation to the construction of the house and the provision of water, sewerage and other services therein;

(h) the floor area of the house, measured in such manner as may 45 be determined by the Minister from time to time;

(i) requirements in relation to the financial and family circumstances of a person to whom a subsidy may be paid;

(j) the time within which application for a subsidy shall be made;

(k) requirements that a person obtaining a subsidy for a new house shall have qualified for a grant in respect of the house under section 4 of the Act of 1979; and

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

(3) This section shall apply where, in connection with a loan in respect of the purchase or building of a house, a mortgage was executed or created or title deeds or land certificate were deposited
10 on or after the 10th day of April, 1981.

(4) Subsections (4) and (5) of section 4 of the Act of 1979 (as amended by this Act) shall apply to a subsidy under this section as they apply to a grant under the said section 4.

(5) In this section—

15 “assurance company” has the meaning assigned to it by the Insurance Acts, 1909 to 1985;

“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 1979;

20 “company” means a company within the meaning of section 2 of the Companies Act, 1963, or a company incorporated outside the State;

“credit union” means a society which is registered as a credit union under the Industrial and Provident Societies Acts, 1893 to 1978, by virtue of the Credit Union Act, 1966;

25 “Housing Finance Agency plc” means the agency established under section 2 of the Housing Finance Agency Act, 1981.

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 under this section, pay, out of moneys provided by the
30 Oireachtas, a grant to a person—

Grant on surrender of certain houses.

(a) who, or whose spouse—

35 (i) in the case of a house which was provided, or which is or was owned, by a housing authority, provides the authority with vacant possession of the house by surrendering the tenancy or by conveying the house without compensation to the authority, or

40 (ii) in the case of accommodation allocated to a member of the Permanent Defence Force, provides the Minister for Defence with vacant possession by surrendering it,

and

(b) who purchases or builds a house for his own occupation.

(2) A grant shall not be paid under this section—

45 (a) where the person purchases the house referred to in subsection (1) (b), if a contract for such purchase was made before the 2nd day of October, 1984,

- (b) where the person builds such house, if the foundations were completed before the 2nd day of October, 1984.

(3) Where a house is being conveyed to a housing authority under this section, the following provisions shall have effect:

- (a) the expenses of such conveyance may be paid in whole or in part by the authority; 5
- (b) no stamp duty shall be payable on any such conveyance;
- (c) where the house is one in respect of which a subsidy has been paid under section 11 of the Act of 1979, the person conveying the house shall, notwithstanding anything to the contrary contained in a transfer order under section 90 of the Principal Act, not be required to refund the subsidy. 10

(4) Regulations under this section may, in particular, but without prejudice to the generality of *subsection (1)*, make provision in relation to all or any one or more of the following: 15

- (a) the amount of a grant;
- (b) the class or classes of houses in respect of which a grant may be paid and the class or classes of persons to whom a grant may be paid; 20
- (c) requirements in relation to the minimum period of residence, whether as tenant or owner, of an applicant for a grant or the spouse of such applicant in a house provided or owned by a housing authority, or in accommodation being surrendered to the Minister for Defence, as the case may be; 25
- (d) the occupation of the house being purchased or built;
- (e) requirements in relation to the class, standard and state of repair of the house or accommodation, as the case may be, which is being surrendered or conveyed;
- (f) requirements in relation to the construction and state of repair of the house being purchased or built and the provision of water, sewerage and other services therein; 30
- (g) requirements that the house being purchased or built shall be suitable for the needs of the applicant for a grant and for those who might reasonably be expected to reside with him; 35
- (h) requirements in relation to the financial and family circumstances of the applicant for a grant;
- (i) matters of procedure and administration, including the discharge by specified housing authorities of specified functions in relation to the grants; and 40
- (j) requirements in relation to the payment under any enactment (including this Act) of any other grant, subsidy or assistance in respect of the house being purchased or built. 45

Assistance by
housing authorities
of certain bodies.

5.—(1) A housing authority may, with the consent of the Minister and on such terms and conditions as they think fit, assist another

housing authority (including the commissioners of a town) or a body approved of by the Minister for the purposes of this section in respect of the provision (whether by erection, purchase, improvement or conversion works) or management by the other authority or body of
5 houses, or in respect of other matters in relation to housing, in one or more of the following ways:

- (a) by a loan,
- (b) by a periodic contribution to the funds of the other authority or body,
- 10 (c) by a guarantee of sums owed by the other authority or body in respect of borrowings,
- (d) by a grant,
- (e) by a subsidy towards, or the remission in whole or in part of, loan charges incurred by the other authority or body,
- 15 (f) by a contribution in kind (whether by way of materials or labour or any other service).

(2) A guarantee under this section may be given by the housing authority either alone or jointly with any other person or persons (including a housing authority).

20 (3) A decision to provide assistance under this section shall be a reserved function.

(4) Where a housing authority have assisted a body under section 12 of the Principal Act in the provision of houses or assist a body under this section, the Minister may, with the consent of the Minister
25 for Finance and subject to such regulations as may be made by the Minister under this section, recoup, out of moneys provided by the Oireachtas, all or part of such assistance.

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

- (a) the amount or proportion of the assistance to be recouped;
- (b) the class or classes of houses in respect of which recoupment may be made and the class or classes of persons for whose accommodation such houses are provided;
- 35 (c) requirements in relation to a grant, loan, subsidy, contribution, or guarantee;
- (d) the occupation of the house;
- (e) requirements in relation to the construction of the house and the provision of water, sewerage and other services
40 therein;
- (f) the floor area of the house, measured in such manner as may be determined by the Minister from time to time;
- (g) requirements in relation to the financial and family circumstances of persons occupying the house; and
- 45 (h) requirements in relation to the payment under any enactment (including this Act) of any other grant, subsidy or assistance in respect of the house.

Expenses of social workers.

6.—The Minister may, with the consent of the Minister for Finance, recoup, out of moneys provided by the Oireachtas, all or part of the salaries and other expenses incurred by a housing authority or other body approved of by the Minister for the purposes of this section in the employment of social workers or the engagement of the services of such workers in connection with the accommodation of persons to whom *section 13* applies. 5

Validation.

7.—Where—

(a) a grant under section 7 of the Act of 1979 (as amended by *section 23*) was paid by the Minister on or after the 10th day of April, 1981, but before the commencement of the said *section 23*, or 10

(b) a grant, loan, subsidy, contribution or other form of assistance was paid by the Minister or a housing authority, being a grant, loan, subsidy, contribution or assistance specified in a provision of this Act mentioned in column (2) of the Table to this section at any reference number in column (1) of that Table, on or after the date specified in column (3) of that Table at that reference number but before the commencement of that provision, and 15 20

(c) in any case mentioned in *paragraph (a)* or *(b)* the grant, loan, subsidy, contribution or assistance would have been valid and effectual if it had been paid after the commencement of the said *section 23* or that provision (as the case may be), 25

the grant, loan, subsidy, contribution or assistance shall be as valid and effectual as if it had been paid after such commencement.

TABLE

Reference Number (1)	Provision of this Act (2)	Date (3)
1	<i>section 3</i>	10th April, 1981
2	<i>section 4</i>	2nd October, 1984
3	<i>section 5 (1)</i>	1st March, 1984
4	<i>section 5 (4)</i>	10th April, 1981

Estimate of housing requirements.

8.—(1) A housing authority may, at any time that appears to them expedient, and shall, as may be directed by the Minister from time to time, make as respects their functional area an estimate of— 30

(a) the existing housing requirements, and

(b) the prospective housing requirements over such period as the Minister may direct or, in the absence of such direction, as the authority see fit, 35

and shall cause a report thereon to be prepared.

(2) In making an estimate of housing requirements in accordance with *subsection (1)* the housing authority shall have regard to—

(a) such information as is available (derived from any survey of all or a sample of the housing in the area or otherwise as the authority see fit) in relation to the housing conditions 40

5 in the area, including the number of houses which are in any respect unfit or unsuitable for human habitation, are overcrowded, are shared involuntarily or are expected (through obsolescence, demolition or conversion to other uses) to be lost to the supply of housing over the period to which the estimate relates,

(b) such information as is available on the extent to which there are persons who are homeless or living in temporary or movable accommodation,

10 (c) expected changes in the size and structure of the population of the area,

(d) the prospective housing requirements of persons residing outside the functional area of the authority to such extent (if any) as the authority consider appropriate,

15 (e) such other information as the authority consider relevant, and

(f) such other matters as the Minister may direct from time to time.

20 (3) An estimate and report under *subsection (1)* shall be prepared in such manner, and the report shall contain such information, as the Minister may direct from time to time.

(4) A housing authority owning houses in the functional area of another housing authority shall, on request in connection with the making of an estimate under *subsection (1)*, provide to that other authority such information on the houses so owned as is required in relation to the matters specified in *subsection (2) (a)*.

25 (5) A housing authority may, with the agreement of another housing authority and shall, if so directed by the Minister, make an estimate and cause a report to be prepared under *subsection (1)* in respect of the whole or part of the functional area of that other authority, and may include in a report an estimate prepared by that other authority.

9.—(1) A housing authority shall make an annual assessment of the need for the provision by the authority of adequate and suitable housing accommodation for persons— Annual housing assessment.

35 (a) whom the authority have reason to believe require or are likely to require accommodation from the authority, and

(b) who, in the opinion of the authority, are capable of living independently in a dwelling, are in need of such accommodation and are unable to provide it from their own resources.

40 (2) Without prejudice to the generality of *subsection (1)*, a housing authority in making an assessment under this section shall have regard to the need for housing of persons who—

(a) are homeless,

45 (b) are persons to whom *section 13* applies,

(c) are living in accommodation that is unfit for human habitation or is materially unsuitable for their adequate housing,

(d) are living in overcrowded accommodation,

- (e) are sharing accommodation with another person or persons and who, in the opinion of the housing authority, have a reasonable requirement for separate accommodation,
- (f) are in need of accommodation for medical or compassionate reasons, 5
- (g) are elderly,
- (h) are disabled or handicapped, or
- (i) are, in the opinion of the housing authority, not reasonably able to meet the cost of the accommodation which they are occupying or to obtain suitable alternative accommodation. 10

(3) In making an assessment under this section a housing authority shall have regard to such directions as may be given by the Minister from time to time.

(4) Before making an assessment under this section a housing authority shall give one month's notice of their intention to do so to— 15

- (a) any housing authority the functional area of which adjoins the functional area of the authority giving the notice,
- (b) any health board established under the Health Act, 1970, whose functional area includes or adjoins the functional area of the authority giving the notice, and 20
- (c) such bodies as the authority see fit whose purposes include the provision of accommodation, shelter or welfare.

(5) Subject to this section, a housing authority may, to such extent (if any) as the authority consider appropriate, include in an assessment under this section need arising from persons who are residing outside the functional area of the authority. 25

(6) A housing authority shall submit an assessment under this section to the Minister on or before such date in each year as he may direct from time to time. 30

Accommodation
for homeless
persons.

10.—(1) Where—

- (a) a person is regarded by a housing authority as being homeless and capable of living independently in a dwelling, and
- (b) it has been brought to the notice of the authority that the person wishes to have accommodation made available to him, and 35
- (c) the person is, in the opinion of the authority, unable to provide accommodation from his own resources,

the housing authority shall, subject to such regulations as may be made by the Minister under this section, take such steps as they consider appropriate to ensure that suitable accommodation is made available for occupation by that person. 40

(2) For the purposes of complying with the duty imposed on them by *subsection (1)*, a housing authority—

- (a) may make arrangements with a body approved of by the 45

Minister for the purposes of *section 5* for the provision by that body of accommodation for persons who are regarded by the authority as being homeless,

5 (b) may provide a person who is regarded by them as being homeless with such assistance, including financial assistance, as the authority consider appropriate, and

(c) where they are not otherwise able to fulfil that duty, may, for that purpose, rent accommodation, arrange lodgings or contribute to the cost of such accommodation or lodgings.

10 (3) Where accommodation or lodgings are made available to a person by virtue of *subsection (2)*, the housing authority may at any time specify a period for which such accommodation or lodgings are being made available to that person.

(4) The Minister may, with the consent of the Minister for Finance
15 and subject to such regulations as may be made by the Minister under this section, recoup, out of moneys provided by the Oireachtas, all or part of any payment made by a housing authority by virtue of *subsection (2)*.

(5) Where accommodation or lodgings are made available to a
20 person by virtue of *subsection (2)*, the housing authority may require that person to pay to them such charges as they see fit, having regard to the means of the person, the cost to the authority of such accommodation or lodgings and such other matters as the authority consider appropriate.

25 (6) A charge due to a housing authority under *subsection (5)* shall be recoverable by them as a simple contract debt in any court of competent jurisdiction.

(7) A charge under *subsection (5)* shall not be subject to the terms of any rent scheme approved by the Minister in relation to houses
30 provided for letting by the housing authority.

(8) Where accommodation or lodgings are made available to a person by virtue of *subsection (2)* and—

(a) the circumstances of that person change to the extent that, in the opinion of the authority—

35 (i) if the accommodation or lodgings being made so available were no longer available, the person would not be homeless, or

(ii) the person is now able to provide accommodation from his own resources, or

40 (b) that person has failed to pay a charge under *subsection (5)*,

the authority may cease to have such accommodation or lodgings made so available and may require the person to vacate the accommodation or lodgings.

(9) Where accommodation or lodgings are made available or assistance is provided to a person by virtue of *subsection (2)*, such person
45 shall not be precluded for that reason from being included in an assessment under *section 9* or being accepted for inclusion in the next such assessment.

(10) The making by a housing authority of enquiries to enable

them to determine if a person may be regarded as being homeless shall not, pending the making of such determination, prevent the authority from making accommodation or lodgings available, or providing assistance, to that person, as if the duty referred to in *subsection (1)* applied in relation to that person. 5

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

- (a) the manner in which housing authorities are to carry out their duties and functions under this section; 10
- (b) the making available of accommodation or lodgings, or the provision of assistance, under *subsection (2)*;
- (c) the amount and conditions of recoupments under *subsection (4)*;
- (d) the notification by a housing authority of the decision on a request for accommodation and the reasons therefor; 15
- (e) the furnishing of information to a housing authority in relation to a request for accommodation or assistance from the authority;
- (f) the circumstances under which a housing authority may determine that a request to them for accommodation would be more appropriate to another housing authority having regard to a person's place or places of residence, the duration of such residence, his place of employment, his family associations or such other matters as are considered appropriate; 20 25
- (g) the resolution of disagreements between housing authorities as to which of them is to fulfil a duty under this section, including the determination of such disagreements by the Minister; and 30
- (h) such other incidental, consequential or supplementary provisions as may appear to the Minister to be necessary or expedient to secure the implementation of this section.

Schemes of priorities for letting dwellings.

11.—(1) A housing authority shall, in accordance with this section and within one year of its commencement, make a scheme determining the order of priority to be accorded in the letting of dwellings provided by the authority under the Principal Act and of which they are the owner, to persons in need of accommodation— 35

- (a) who are unable, in the opinion of the authority, to provide accommodation from their own resources, and 40
- (b) whose need for accommodation—
 - (i) has been included in the most recent assessment made by the authority under *section 9*, or
 - (ii) has been accepted by the authority, after the making of that assessment, for inclusion in the next such assessment. 45

(2) A scheme under this section shall—

- (a) provide that the housing authority may determine from time

5 to time, as they see fit, to set aside for persons of such class or classes as the authority may decide, a particular number or proportion of the dwellings becoming available to the authority for letting and, where they have made such a determination, priority shall be accorded in the letting of such dwellings to persons of the class or classes concerned;

10 (b) provide that the housing authority, in applying its terms to a person, may disregard the accommodation that person is occupying where the authority have reason to believe that he has deliberately or without good and sufficient reason done or failed to do anything (other than an action or omission in good faith) in consequence of which the accommodation he is so occupying is less suitable for his
15 adequate housing than other accommodation which it would have been, or would be, reasonable for him to occupy; and

(c) make particular provision for persons in need of accommodation arising from an emergency.

20 (3) A scheme made under this section may provide that the housing authority shall obtain and have regard to a report from a medical officer of health of the relevant health board established under the Health Act, 1970, in the making of lettings of dwellings where priority is claimed on grounds consisting of or including medical grounds.

25 (4) A housing authority may from time to time review a scheme made under this section and, as they see fit, make amendments to the scheme or make a new scheme.

30 (5) The making of a scheme under this section, the making of an amendment to any such scheme and the making of a determination under *subsection (2)* shall be reserved functions.

(6) A scheme under this section or an amendment to any such scheme shall be made only with the approval of the Minister.

(7) The Minister may require a housing authority—

35 (a) to amend a scheme submitted to him for approval in accordance with *subsection (6)*, and

(b) from time to time to amend a scheme made under this section,

in such manner as he may direct, and the authority shall comply with such direction within such time as may be specified by the Minister.

40 (8) Nothing in *subsection (7)* shall be construed or operate to enable the Minister to direct the letting of a dwelling to any individual person.

45 (9) In forming an opinion under *subsection (1) (a)* as to whether a person is unable to provide accommodation from his own resources, a housing authority may, as they consider appropriate, and shall, as the Minister may direct from time to time, have regard to the financial or family circumstances of the person concerned.

50 (10) When a scheme made by a housing authority under this section comes into operation, a scheme of priorities made by that authority under section 60 of the Principal Act shall cease to have effect.

(11) Notwithstanding the repeal by this Act of section 60 of the Principal Act, a scheme of priorities made by a housing authority under that section shall continue to have effect until a scheme under this section comes into operation.

(12) A housing authority shall, upon request, permit a scheme made by them under this section to be inspected during office hours by any person. 5

(13) *Subsection (1) (b)* shall not apply to the making of a scheme under this section by the commissioners of a town having commissioners under the Towns Improvement (Ireland) Act, 1854. 10

Reconstruction of
certain houses
provided by
housing authorities.

12.—(1) The Minister may, on application by a housing authority and subject to *subsection (2)* and to such regulations as may be made by the Minister under this section, designate a group of houses provided by the authority to be houses to which this section applies.

(2) A designation by the Minister under *subsection (1)* shall be made only where the group of houses consists wholly or partly of houses of which the authority are the owner and which are in need of reconstruction by reason of defects in construction or design or of deterioration due to age. 15

(3) A housing authority may, with the consent of the Minister and subject to such regulations as may be made under this section, reconstruct a house included in a group of houses to which this section applies where that house has been sold or leased by the authority. 20

(4) Where a housing authority reconstruct a house by virtue of *subsection (3)* they may, subject to such regulations as may be made under this section, require the owner or lessee of the house to make a contribution towards the costs so incurred by the authority. 25

(5) A contribution due to a housing authority under *subsection (4)* shall be recoverable by them as a simple contract debt in any court of competent jurisdiction. 30

(6) Regulations under this section may, in particular, but without prejudice to the generality of *subsection (1), (3) or (4)*, make provision in relation to all or any one or more of the following:

(a) a requirement that a group of houses may be designated on the grounds of deterioration due to age only if it consists of or includes houses which have been constructed more than a specified number of years or before a specified date; 35

(b) the reconstruction of houses in accordance with *subsection (3)*; 40

(c) the contribution to be made in accordance with *subsection (4)* and the manner of its payment;

(d) requirements in relation to the carrying out by a housing authority of environmental works in connection with the reconstruction of houses under this section; and 45

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

(7) In this section "reconstruction", in relation to a house, means

the carrying out of any works which are reasonably necessary to render the house more suitable for human habitation, including the provision of a water supply, sewerage facilities or a bathroom, but not including any other extension or enlargement of the house or works of maintenance or decoration, and "reconstruct" shall be construed accordingly.

13.—(1) This section applies to persons belonging to the class of persons who traditionally pursue or have pursued a nomadic way of life. Provision of sites for travellers.

10 (2) A housing authority may provide, manage and control sites for caravans used by persons to whom this section applies, and may carry out any works incidental to such provision, management or control, including the provision of services for such sites.

(3) Section 56 (2) of the Principal Act shall apply in connection with the provision of sites under this section as it applies in connection with the provision of dwellings under that section.

(4) A housing authority may, in respect of the use of a site provided by them under this section or of any services or facilities provided or made available in connection with such a site, make such charges as the authority see fit.

(5) Any charge due to a housing authority under subsection (4) shall be recoverable by them as a simple contract debt in any court of competent jurisdiction.

(6) In this section "caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another, whether by towing or transport on a vehicle or trailer, and includes a motor vehicle so designed or adapted and a mobile home, but does not include a tent.

14.—(1) Where a housing authority give or have given consent to a mortgage in respect of a house sold or leased by them under section 90 of the Principal Act, the authority shall be regarded also as having consented to— Mortgage of houses sold or leased by housing authorities.

(a) any further or consolidated mortgage effected by the same mortgagor in favour of the same mortgagee, and

35 (b) the exercise by such mortgagee of his powers under such mortgage.

(2) Where a mortgagee who has exercised his powers under a mortgage sells a house which was subject, under section 90 of the Principal Act, to special conditions, the conditions shall no longer apply in relation to that house from the date of the sale.

(3) Notwithstanding section 107 of the Principal Act, the housing authority shall, before making an application for a warrant under subsection (1) of that section in respect of a house sold or leased by them, give to a mortgagee in whose favour a mortgage on the house has been effected not less than two months' notice in writing of the authority's intention to make the application, and every such notice shall state the grounds on which the application is to be based.

15.—(1) Where in relation to a house which is unregistered land within the meaning of the Registration of Title Act, 1964, all moneys Discharge of mortgage.

secured by a mortgage have been fully paid or discharged, a housing authority shall, and any other mortgagee (not being a building society) may, endorse on or annex to such mortgage either a reconveyance of the mortgaged property to the owner of the equity of redemption (or to such persons and to such uses as he may direct) or a receipt under the seal of the housing authority or other mortgagee (as the case may be).

(2) Where in relation to a house which is registered land within the meaning of the Registration of Title Act, 1964, all moneys secured by a mortgage have been fully paid or discharged, a housing authority shall, and any other mortgagee (not being a building society) may, issue to the registered owner of the land a receipt under the seal of the housing authority or other mortgagee (as the case may be) which shall, for the purposes of section 65 of that Act, be sufficient proof of the satisfaction of the mortgage.

(3) A receipt under this section shall operate to vacate the mortgage and shall, without any reconveyance or re-surrender, vest the estate of and in the property comprised in the mortgage in the person for the time being entitled to the equity of redemption.

(4) Where a mortgage has been registered in the Registry of Deeds established by the Registration of Deeds Act, 1707, the Registrar under that Act shall, on production of a receipt under *subsection (1)*, make an entry opposite the entry of the mortgage to the effect that the mortgage is satisfied and shall grant a certificate (either on the mortgage or separately) to the like effect.

(5) A certificate under *subsection (4)* shall be received in evidence in all courts and proceedings without any further proof, and an entry under that subsection shall have the effect of clearing the register or record of the relevant mortgage.

(6) The power conferred on the Minister for Justice by section of the Registry of Deeds (Ireland) Act, 1832 (as adapted by the Registry of Deeds (Ireland) Act, 1832 (Adaptation) Order, 1956 (S.I. No. 281 of 1956)) to fix fees shall include power to fix fees to be paid for making the entry and granting the certificate under *subsection (4)*, and any moneys received under this subsection shall be paid into the Exchequer.

Application of certain sections of Part II of Principal Act.

16.—(1) Section 10 of the Principal Act shall apply to any sum due under the Housing Acts, 1966 to 1985, by the Minister to a person from whom another sum is due to the Minister as that section applies to sums due by and to a housing authority.

(2) Any reference in section 34, 35, 36 or 38 of the Principal Act to a grant shall be deemed to include reference (as may be appropriate) to a grant, subsidy or other form of assistance under the Housing Acts, 1966 to 1985, and those sections shall be construed accordingly.

(3) Section 38 of the Principal Act shall, with the consent of the Minister and subject to any necessary modification, apply to a grant, subsidy or other form of assistance by a housing authority under the Housing Acts, 1966 to 1985, as it applies to a grant referred to in that section.

Additional provisions relating to sections 56 to 58 of Principal Act and to section 12.

17.—(1) In relation to the provision of dwellings under section of the Principal Act, a housing authority shall have regard to the latest assessment made under *section 9* and to the need for housing of any person accepted, after the making of such assessment, for

inclusion in the next assessment, and shall seek to maintain a reasonable balance between the respective needs of the classes of persons specified in *section 9 (2)*.

5 (2) The power of a housing authority under *section 56* of the Principal Act to provide dwellings and under *section 57* of that Act to provide sites for building purposes shall, in the case of a council of a county, be deemed to include, and always to have included, a power to provide dwellings or sites (as the case may be) in a town in the county having commissioners under the Towns Improvement
10 (Ireland) Act, 1854, as if, for the purpose of such provision, the town formed part of the functional area of the council.

(3) The council of a county and the commissioners under the Towns Improvement (Ireland) Act, 1854, of a town in that county may enter into an agreement that any power of the commissioners under *section*
15 58 of the Principal Act or under *section 12* shall be vested in and exercised by that council in respect of such houses, to such extent and for such period as may be specified in the agreement.

(4) Entry into an agreement under *subsection (3)* shall be a reserved function.

20 18.—Section 2 of the Principal Act is hereby amended by the substitution in *subsection (1)* of the following definition for that of “housing authority”: Amendment of
section 2 of
Principal Act.

“‘housing authority’ means, in the case of—

25 (a) a county health district (exclusive of any town having commissioners under the Towns Improvement (Ireland) Act, 1854), 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,

30 (c) an urban district, the council of the district,

(d) a town having commissioners under the Towns Improvement (Ireland) Act, 1854, except as respects—

(i) sections 34, 35, 36, 39, 41, 42 and 43 of this Act,

35 (ii) sections 6 and 8 of the Housing (Miscellaneous Provisions) Act, 1979,

(iii) sections 2, 5, 6, 8, 9, 10 and 13 of the *Housing (Miscellaneous Provisions) Act, 1985*,

40 the commissioners of such town and, as respects the said sections, the council of the county in which the town is situate,

and references to the functional area of a housing authority shall be construed accordingly.”.

19.—The following section is hereby substituted for *section 108* of the Principal Act: Amendment of
section 108 of
Principal Act.

45 “108.—Capital money arising from the disposal of land under this Part of this Act shall be applied for a purpose approved by the Minister.”.

Additional provisions relating to section 13 of Act of 1979.

20.—(1) Where a housing authority propose to make a transfer order under section 90 of the Principal Act vesting a house in the tenant thereof and the house is not in good structural condition, the authority may, subject to such regulations as may be made by the Minister under this section, enter into an agreement with the tenant that the amount of the purchase money for the house shall be reduced by a sum specified in such agreement, being the amount estimated by the authority to be the cost of the works necessary to put the house into good structural condition. 5

(2) Where an agreement under this section has been entered into in relation to a house, the housing authority may make the appropriate transfer order and thereupon the provisions of section 13 of the Act of 1979 shall cease to apply in respect of that house. 10

(3) An agreement under this section shall be in writing and shall specify the works necessary to put the house into good structural condition and the estimated cost of such works. 15

(4) Regulations under this section may, in particular, but without prejudice to the generality of *subsection (1)*, specify that this section shall apply only to a particular class or classes of houses or to a particular class or classes of housing authorities. 20

(5) A grant under section 5 or 6 of the Act of 1979 shall not be paid in respect of the carrying out of works specified in an agreement under this section.

Amendment of section 3 of Act of 1979.

21.—The following subsection is hereby substituted for subsection (2) of section 3 of the Act of 1979: 25

“(2) This section applies to a body which—

- (a) represents or promotes the formation of co-operative or voluntary groups or associations which have as an object the provision of houses, or
- (b) provides information, advice or training or conducts research in relation to housing.”. 30

Amendment of section 4 of Act of 1979.

22.—The following subsection is hereby inserted after subsection (4) of section 4 of the Act of 1979:

“(5) Where—

- (a) a person providing a new house is a person— 35
 - (i) whose marriage has been dissolved or annulled by order of a court of competent jurisdiction, or
 - (ii) who is separated from his spouse under an order of such court or by deed of separation,
- and 40
- (b) the need of that person and his dependents (if any) for housing has been established to the satisfaction of the Minister, and
- (c) refusal by the Minister to pay a grant under this section in respect of the provision of the new house would, 45

in the opinion of the Minister, having regard to such circumstances as he considers appropriate, including any contribution made by the other spouse, cause undue hardship to that person or his dependents,

- 5 the Minister may, notwithstanding that a requirement in relation to matters specified in subsection 2 (e) has not been complied with, pay a grant under this section if but for such non-compliance a grant would fall to be so paid.”.

23.—The following subsection is hereby substituted for subsection (1) of section 7 of the Act of 1979:

Amendment of section 7 of Act of 1979.

- 15 “(1) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister under this section, pay, out of moneys provided by the Oireachtas, a grant to a body, approved of by the Minister for the purposes of this section, in respect of the provision (whether by erection, purchase, improvement or conversion works), of one or more than one house for the accommodation of elderly persons or such other class or classes of persons as may be specified in the regulations, 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 persons or class or classes of persons.”.

24.—The following subsection is hereby substituted for subsection (2) of section 10 of the Act of 1979:

Amendment of section 10 of Act of 1979.

- 25 “(2) The Minister may, in respect of the financial year 1977 and subsequent financial years, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister under this section, pay to a housing authority, out of moneys provided by the Oireachtas, a subsidy of such amount, or of such proportion of the loan charges, as may be prescribed for a particular purpose, not exceeding the full amount of the costs incurred by the authority in—

- 35 (a) the provision of dwellings (including houses, flats, maisonettes and hostels) by a housing authority,
- (b) the improvement or reconstruction of dwellings provided by a housing authority,
- 40 (c) the provision by the authority of sites for caravans within the meaning of *section 13 of the Housing (Miscellaneous Provisions) Act, 1985* for persons to whom that section applies, and
- (d) the acquisition of land and the carrying out of ancillary works in connection with the provision of dwellings or sites referred to in this subsection.”.

25.—The following subsection is hereby substituted for subsection (1) of section 13 of the Act of 1979:

Amendment of section 13 of Act of 1979.

- 50 “(1) Where a housing authority propose to make a vesting 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 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 necessary to put the house into good structural condition.”.

Amendment of City and County Management (Amendment) Act, 1955.

26.—The City and County Management (Amendment) Act, 1955, is hereby amended by the insertion in section 2 of the following subsection after subsection (9):

5

“(10) An emergency situation for the purposes of subsection (9) of this section shall be deemed to exist where, in the opinion of the manager, the works concerned are urgent and necessary (having regard to personal health, public health and safety considerations) in order to provide a reasonable standard of accommodation for any person.”.

10

Amendment of Local Government (Planning and Development) Act, 1963.

27.—Section 56 of the Local Government (Planning and Development) Act, 1963, is hereby amended by—

(a) the insertion in subsection (1) of the following paragraph after paragraph (j):

15

“(k) in respect of the refusal of permission for the demolition of a habitable house or in respect of the imposition, on the granting of permission to develop land, of a condition excluding the demolition of a habitable house from a scheme of development for which permission is granted.”, and

20

(b) the insertion of the following subsection after subsection (3):

“(4) In this section ‘habitable house’ means a building or part of a building which—

(a) is used as a dwelling,

25

(b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling, or

(c) was provided for use as a dwelling but has not been occupied.”.

Amendment of Building Societies Act, 1976.

28.—(1) Section 12 of the Building Societies Act, 1976, is hereby amended by the substitution of the following subsection for subsection (3):

30

“(3) Where copies are forwarded to the Registrar in accordance with subsection (2) and he is satisfied that—

(a) the alteration is in accordance with this Act and substantially in accordance with any rules prescribed under section 10 (3), and

35

(b) registration would not be prejudicial to the orderly and proper regulation of building society business,

he shall return one of the copies to the secretary together with a certificate of registration in a prescribed form, and shall retain and register the other copy.”.

40

(2) The following subsection is hereby substituted for subsection (3) of section 22 of the Building Societies Act, 1976:

5 “(3) A society may borrow money (including, where the Registrar, with the consent of the Minister for Finance, so authorises, money in a currency other than the currency of the State) and for this purpose may accept deposits or loans at interest, to be applied to the purpose of the society.”.

29.—Any person—

Offences.

10 (a) who, on being requested by a housing authority to furnish information to the authority in connection with the exercise of their duties and functions under *section 9, 10 or 11*, gives information which he knows to be false or misleading or fails to supply information which he knows to be material, or

15 (b) for whom accommodation, lodgings or assistance are being made available by virtue of *section 10 (2)* and who fails to inform the housing authority of any material change in his circumstances while remaining in occupation of the accommodation or lodgings or in receipt of the assistance,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

20 30.—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. Repeals.

31.—(1) This Act may be cited as the Housing (Miscellaneous Provisions) Act, 1985.

Short title,
construction,
collective citation
and
commencement.

25 (2) The Housing Acts, 1966 to 1979, and this Act (other than *sections 26 to 28*) may be cited together as the Housing Acts, 1966 to 1985, and shall be construed together as one Act.

(3) The collective citation, the County Management Acts, 1940 to 1985, shall include *section 26*.

30 (4) The Local Government (Planning and Development) Acts, 1963 to 1983, and *section 27* may be cited together as the Local Government (Planning and Development) Acts, 1963 to 1985.

(5) The Building Societies Acts, 1976 to 1983, and *section 28* may be cited together as the Building Societies Acts, 1976 to 1985.

35 (6) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions.

SCHEDULE

Section 30

ENACTMENTS REPEALED

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 24 of 1936.	Labourers Act, 1936.	Section 20.
No. 21 of 1966.	Housing Act, 1966.	Sections 12, 53, 54, 55, 60 and 102 (3).
No. 16 of 1969.	Housing Act, 1969.	The whole Act.
No. 27 of 1979.	Housing (Miscellaneous Pro- visions) Act, 1979.	Sections 6 (8) and 16.
No. 1 of 1984.	Housing Act, 1984.	The whole Act.

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*An tAire Comhshaoil a thíolaic,
16 Deireadh Fómhair, 1985*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais, Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath 2, nó trí aon díoltóir leabhar.

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HOUSING (MISCELLANEOUS
PROVISIONS) BILL, 1985

BILL

(*as initiated*)

entitled

An Act to amend and extend the Housing Acts, 1966 to 1979, to amend the City and County Management (Amendment) Act, 1955, the Local Government (Planning and Development) Act, 1963, and the Building Societies Act, 1976, and to provide for certain other matters in relation to housing.

*Presented by the Minister for the Environment,
16th October, 1985*

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