



Department for
**Social
Development**

www.dsdni.gov.uk

The Draft Regeneration and Housing Bill

Consultation Document

(March) 2010

Proposal for a Regeneration and Housing Bill

This consultation document seeks views on the Department's proposals for a Regeneration and Housing Bill

Comments should be sent by (26 April 2010) to

Bebhinn Ni Bhriain

(See page 32 for contact details)

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Introduction

1. The Review of Public Administration (RPA) in Northern Ireland is delivering wide ranging and comprehensive modernisation and reform of the public sector. The Review was initiated by the Northern Ireland Executive in 2002 and implementation began with major reforms of the education and health sectors. In March 2008 the Executive re-confirmed its commitment to RPA and launched the current phase of implementation with all Ministers signed up to the vision of ***“A strong, dynamic local government creating communities that are vibrant, healthy, prosperous, safe, sustainable and have the needs of all citizens at their core”***.
2. The Department for Social Development (‘the Department’) is firmly committed to this vision and is transferring considerable responsibilities to local government along with a sizeable budget and staffing resource. The transfer of these functions to the 11 new district councils will play a key role in bringing about strong local government and successful community planning within all council areas. The Department is transferring responsibility to councils for work on tackling deprivation including the Neighbourhood Renewal Programme; town and city regeneration including comprehensive development schemes, public realm and environmental improvement schemes; the delivery of support for the voluntary and community sector at local level; and some housing functions relating to houses in multiple occupation (HMO), housing unfitness (including repair and demolition notices), and local energy conservation. Responsibility for the Living over the Shop Scheme (LOTS) will also pass to local councils and this will complement their new regeneration role.
3. The Department will continue to have responsibility for policy in relation to the functions which are transferring and will also be able to oversee major regeneration schemes which have regional significance. Schemes of this scale are expected to be rare and councils will have operational responsibility for the vast majority of regeneration activity in their district.

4. The transfer of responsibilities from the Department to councils is taking place against a backdrop of wider local government reform under RPA. The Department of the Environment is responsible for creating the 11 new district councils and is introducing legislation which will give councils enhanced powers and will establish a new governance framework for local government. Responsibility for land use planning is being devolved from DoE Planning Service to councils and proposals for the Local Government (Reorganisation) Bill will give councils a new responsibility for community planning and a power of wellbeing. Further information on DoE's plans under RPA, including details of consultation being carried out is available from www.doeni.gov.uk/index/local_government. In addition, the Department for Regional Development is devolving responsibility for certain limited local roads functions. The transfer of these key responsibilities to a local level will allow the new councils greater scope to effect improvement of their areas.

Purpose of the consultation document

5. The Department for Social Development is seeking views from consultees on its proposals for a Regeneration and Housing Bill. A draft of the Bill is set out at Annex A. Part 1 of the Bill deals with regeneration and Part 2 covers housing provisions.

Aims of the Regeneration and Housing Bill

- To enable councils to address disadvantage and undertake community development;
- To enable councils to undertake environmental improvements and public realm schemes;
- To enable councils to define and take forward a range of regeneration projects in their district;
- To enable councils to undertake certain housing responsibilities currently exercised by the Northern Ireland Housing Executive.
- To facilitate a refocused regional role for the Department

PART 1

REGENERATION

Draft Regeneration and Housing Bill

Part 1: Regeneration

Chapter 1: Powers in Relation to Social Need

Background

6. The powers contained in the Social Need (Northern Ireland) Order 1986 allow the Department to pursue 'area-based regeneration' (e.g. the Neighbourhood Renewal strategy), provide support for the voluntary and community sector and undertake works for the improvement of the environment. Social Need Order powers underpin a wide range of activities undertaken by the Department, allowing it to support diverse regeneration and community development projects.
7. The Department currently operates a number of different programmes, for example Neighbourhood Renewal, Areas at Risk, Urban Development Grant, each with specific objectives but all of which are designed to address social need. The Department has benefited from the flexibility of the Social Need Order to allow it to tackle the multi-faceted nature of deprivation. The bulk of the Department's activities in this area involve the provision of financial assistance to third parties (including local councils, government agencies, private developers and community groups). The Department also relies on the Social Need Order to enable it to carry out environmental improvement works ranging from tree planting to major public realm initiatives such as 'Belfast: Streets Ahead' or the recently completed Public Realm Scheme in Armagh.
8. Historically, the Department also used its powers to take forward regeneration in rural settlements as well as urban areas. However, with devolution responsibility for funding such work in rural settlements was vested in the Department for Agriculture and Rural Development. Under RPA the Department is transferring responsibility to local councils for area

based regeneration and the budgets associated with this area of work. The Department will also be conferring social need powers to allow them to discharge this role and Councils will be able to use these powers to work in both urban and rural areas. However, funding for rural areas will still be the responsibility of the Department of Agriculture and Rural Development.

Summary

9. The proposed legislation gives councils wide-ranging powers to address social need in their district (in both urban and rural areas), largely reproducing the provisions of the Social Need Order as it currently applies to the Department.

Detail

Clauses 1 & 2 – Financial assistance to address social need; Conditions attaching to financial assistance

10. A council will be able to provide financial assistance to third parties which it considers will benefit (directly or indirectly) areas of social need in its district. A list of examples of the types of activities which a council may fund is given but this list is not prescriptive and councils will have wide discretion about what they decide to fund. Financial assistance may take the form of grants, loans, guarantees or the taking of any interest in property or in a body corporate. A council will be able to attach such conditions as it thinks fit to the provision of financial assistance and failure to comply with certain conditions may be an offence. For the purposes of determining whether a condition has been complied with or whether financial assistance has become repayable a council may by notice require a person to give information or produce books, records or other documents. Failure to comply with such a notice or providing false information in response to such a notice may be an offence.

Clause 3 – Power to carry out works for the improvement of the environment

11. Clause 3 allows a council to carry out works for the improvement of the environment which it considers will benefit an area of social need in its district. Certain works require the consent of the Department for Regional Development.

Clause 4 – Power of Department to provide financial assistance

12. Clause 4 amends Article 3 of the Social Need (Northern Ireland) Order 1986 by removing reference to districts in defining the focus of the Department's financial assistance. This more clearly reflects the role the Department will have in supporting regional level activity, for example community and voluntary sector organisations providing services across Northern Ireland.

Chapter 2: Development Powers and other Powers for Planning Purposes

Background

13. Part VII of the Planning (Northern Ireland) Order 1991 provides the legislative basis for the Department's physical regeneration work, for example: making development schemes; acquisition, disposal and development of land for planning purposes; and the extinguishment of public rights of way. These statutory powers are exercised in the public interest by the Department to unlock development opportunities by for example releasing underused or derelict land and buildings. The Department is empowered to acquire land and arrange for its disposal and development, after public consultation, in a comprehensive manner in accordance with an adopted plan for the area. Under RPA operational delivery for physical regeneration will transfer to local councils.

Summary

14. The Bill provides councils with corresponding powers to those available to the Department under the Planning Order to pursue physical regeneration and provides for a revised operational role for the Department which is limited to regeneration considered to be of regional significance.

Clause 5 & 6 - Development schemes of councils; adoption of development schemes by councils

15. These clauses give councils powers to prepare and adopt statutory 'development schemes' which, once adopted, form part of the local development plan. Development schemes have been used on occasion by the Department to pursue large-scale regeneration projects such as Victoria Square in Belfast.

16. Clause 5 allows a council to prepare a development scheme for an area in its district which it considers should be developed, redeveloped or improved as a whole. Development schemes must be defined by a map and set out in general terms the intentions for land use and layout.
17. The Department will be able to direct a council to prepare a development scheme where it considers that the regeneration of an area is required and likely to be of regional significance and the council is best placed to take this forward. This provision is related to clause 9 and the ability of the Department to make regulations requiring councils to provide information in relation to certain types of development proposals. (See paragraph 22)
18. Clause 6 specifies the procedure for consulting on development schemes and considering objections. Councils will be required to consult with the Department for Social Development in the preparation of development schemes and will also have to publicly advertise its draft schemes. Any relevant objections to a draft scheme which cannot be resolved must be considered by the planning appeals commission at public local inquiry. A development scheme cannot be formally adopted by a council without the approval of the Department. The Department will expect councils to demonstrate that they have worked with the Northern Ireland Housing Executive when developing scheme proposals which involve social or affordable housing.

Clause 7 – Acquisition of land by councils for planning purposes

19. A council will be able to acquire land, by agreement or compulsorily, for certain planning purposes. A council cannot compulsorily acquire Crown Land, for example former military sites held by the Office of the First Minister and the deputy First Minister for regeneration under the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003. The procedure for acquisition of land by vesting order is set out in Schedule 6 of the Local Government Act (Northern Ireland) 1972. Councils must

apply to the Department to make a vesting order if they wish to compulsorily acquire land. Proceedings for the acquisition of land in connection with a development scheme and proceedings in connection with the adoption of a development scheme can be taken concurrently up to a point but a vesting order cannot be made until the development scheme has been adopted. A council will be able to acquire land “in the interests of the proper planning of an area” if they are satisfied that the purpose for which they want to acquire the land is in keeping with an extant local development plan.

Clause 8 – Disposal of land held by councils for planning purposes

20. A council will be able to dispose of land which it holds for planning purposes in order to secure the best use of land or buildings or to secure the erection or construction of buildings or carrying out of works which the council considers are needed for the proper planning of the area in which the land is situated

Clause 9 – Development of land by councils for planning purposes

21. A council will be able to develop land which it holds for planning purposes by erecting or constructing buildings or carrying out works or entering into agreements with any person for the development of land. A council will also be able to maintain, repair and generally manage buildings or works on land which is being held for development purposes.

22. The Department will have the power to make regulations which would: require councils to provide the Department with specific information about their plans to develop land in particular circumstances and; enable the Department to delay the council from using its development powers in those circumstances for a specified period of time. The detail of these regulations will be developed and consulted upon separately. The purpose of the regulations will be to ensure that the Department is kept

informed of any proposed development which is likely to be of significance to the whole or a substantial part of Northern Ireland. It is intended that these regulations will be used to inform the Department's decision about whether to direct a council to prepare a development scheme under clause 5.

Clause 10 – Powers of council before acquisition of land for planning purposes

23. A council will be able to enter into agreements for the development or disposal of land which it intends to acquire compulsorily, at any time after it has published notice of the application for a vesting order.

Clause 11 – Extinguishment by council of right of way

24. A council will be able to extinguish by order public right of way over land which it holds for planning purposes if it considers that this is necessary for the proper development of the land. A council will have to publicise its intentions and serve notice on any affected statutory undertakers and electronic communications operators, for example NIE or Northern Ireland Water. Councils may cause a public local inquiry to be held by the planning appeals commission to hear objections to the proposed order.

25. Sub-sections 7-11 contain a number of safeguards for operators of electronic communications networks in the event of an extinguishment order being made.

Clause 12 – Power of council to require information

26. A council will be able to issue a notice requiring the occupier of any premises or a person receiving rent for any premises to provide certain information to enable the council to make an order or issue or serve

notice. Failure to comply with such a notice or providing false information in response to such a notice may be an offence.

Clause 13 – Development schemes made by the Department

27. Clause 13 amends Article 85 of the Planning Order by restricting the ability of the Department to make development schemes. In order for the Department to make a development scheme it must be satisfied that the development, redevelopment or improvement of an area will be of regional significance and that the relevant district council is not best placed to carry this out.

Clause 14 –17 Transfer of assets and liabilities to councils

28. The Bill provides for the transfer of assets and liabilities held or incurred by the Department for planning purposes to the appropriate district council. The Department will also be able to make regulations specifying exceptions to the transfer.

Clause 18 – Unadopted development schemes

29. The Department will be able to make regulations specifying transitional arrangements for an unadopted development scheme in the event that it is the process of making a development scheme when the Bill is enacted.

Chapter 3: Laganside

Background

30. The Laganside Development (Northern Ireland) Order 1989 established the Laganside Corporation with the object of securing the regeneration of a designated area of Belfast's waterfront. The Laganside Corporation was afforded regeneration powers under the 1989 Order which it could exercise within this designated area, including a number of powers which it could exercise in relation to a defined section of the River Lagan.
31. The Corporation was dissolved in 2007, having substantially fulfilled its statutory regeneration remit, and the Department assumed interim responsibility for management of Laganside's legacy of assets, liabilities and development agreements and the regeneration of a small number of remaining sites which the Corporation had acquired. Under RPA, Belfast City Council will take over these responsibilities from the Department and the original Laganside Order will be repealed.

Detail

Clause 20 - Transfer to council of certain functions in relation to Laganside

32. Clause 20 provides for the repeal of the Laganside Order and Schedule 1 sets out the powers which Belfast City Council will be able to exercise in relation to part of the River Lagan. These powers will enable the Council to safeguard the legacy of the work done by the Laganside Corporation and include: the power to execute works to facilitate access to the river or promote recreational use; power to construct bridges and weirs; power to make byelaws regulating e.g. fishing or the use of the river by vessels.

Clause 21 - 22 Transfer of assets and liabilities to council

33. The Bill provides for the transfer of Laganside assets and liabilities to Belfast City Council. The Department will also be able to make regulations specifying exceptions to the transfer. The Department may wish to exempt a number of undeveloped sites from statutory transfer under this Bill and instead transfer them on a non-statutory basis to the Council with specific conditions attached.

Chapter 4: General

Clause 23 – Surveys and Studies

34. A council will be able to conduct or fund studies, investigations or research related to the exercise of its functions under Part 1 of the Bill e.g. social need in its district; development or redevelopment of its area etc.

Clause 24 - Guidance

35. Following consultation with councils the Department will be able to issue guidance in relation to regeneration. For example, if a council is taking forward a regeneration scheme which involves an element of social or affordable housing, the Department will require councils to work with the Northern Ireland Housing Executive in developing its proposals, in the same way in which the Department has traditionally done. This is in recognition of the NIHE's role as Northern Ireland's strategic housing authority.

PART 2

HOUSING

Part 2 – Housing

Background

36. The Housing Executive is the strategic housing authority for Northern Ireland. As well as being the region's biggest social landlord, with around 90,000 homes, the Housing Executive delivers a range of functions covering all types of housing in both the social and private sector.

37. Unlike local authorities in Great Britain, councils in Northern Ireland have a very limited role at present in housing. This is largely confined to the private rented sector where councils share the responsibility for regulating aspects of the sector with the Department for Social Development and the Housing Executive.

38. This Bill seeks to transfer responsibility for the delivery of some housing-related services from the Housing Executive to the new councils. In particular, these services will strengthen the work of councils in regulating the private rented sector and will give councils a leading role in identifying and addressing unfit housing in all types of housing.

Summary

39. Part 2 of the Bill is designed to transfer responsibility for a number of housing-related functions from the Housing Executive to the new district councils and make a number of related amendments to the existing law.

40. This Bill will extend councils' existing role to cover all housing within a council's area, with new powers for councils to intervene where a house is deemed to be unfit for human habitation. In many respects, this work complements the councils' new responsibilities for regeneration set out in part 1.

41. Councils' current work on the private rented sector will also be strengthened by the transfer of responsibility for regulating houses in multiple occupation.
42. A number of councils already work in partnership with other bodies to tackle fuel poverty by improving domestic energy efficiency. The Bill proposes to strengthen this position by providing councils with new powers to support this work. The Bill also increases each council's representation on the Northern Ireland Housing Council, an important advisory body on wider housing policy and delivery.

Detail

Clauses 25 and 26 – housing unfitness

43. The Housing Executive currently has a statutory obligation to identify and address unfitness in both social and private housing. To do this, it employs a number of methods to tackle the problem, including repair, closing, deferred action and demolition notices for individual properties, access to private sector grants in appropriate cases and the declaration of clearance and redevelopment areas.
44. Councils currently have more limited powers for dealing with unfit housing in the private rented sector. These are set out in the Private Tenancies (Northern Ireland) Order 2006.
45. Clauses 26 and Schedule 2 set out the proposals for transferring the statutory obligation to identify and address unfitness in all housing to councils. Councils will also be given a range of powers to deal with unfit housing, including the ability to serve repair, closing, deferred action and demolition notices for individual properties.
46. These powers will be complemented by a number of the new regeneration powers available to councils under Part 1 of the Bill, particularly the

powers to prepare and deliver development schemes to improve a whole area. A number of development schemes are likely to include a housing element. For this reason, the Housing Executive's powers to declare clearance and redevelopment areas, which are similar to those available to councils to undertake development schemes, are being repealed rather than transferred. Clause 25 sets out the detail of the provisions being repealed.

47. The Housing Executive will continue to retain responsibility for the delivery of private sector grants.

Clause 27 – Houses in multiple occupation

48. Houses in multiple occupation (HMOs) are one part of the private rented sector, providing accommodation to individuals without a close family relationship, such as students, young professionals and migrant workers.

49. Over nearly twenty years, Government policy on HMOs has focused on improving the standard of accommodation and the way in which this is managed. To date, the Housing Executive has been responsible for regulating HMOs, including the management of a registration scheme which operates in areas with higher concentrations of HMOs.

Clause 27 and Schedule 3 transfer this responsibility for HMO regulation to councils.

50. As HMOs tend to be concentrated in areas with large numbers of students and migrant workers, some councils will have a more significant role than others. Councils can, if they wish, work in partnership with one another in the regulation of HMOs, using powers available to them under the Local Government (Northern Ireland) Act 1972. This may be a particularly attractive option for those councils with lower numbers of HMO properties.

Clause 28 – energy efficiency

51. Under the Home Energy Conservation Act 1995 the Housing Executive was designated as Northern Ireland's sole Home Energy Conservation Authority. The Act requires the Housing Executive to develop a strategy to significantly improve the energy efficiency of the entire housing stock and to submit annual progress reports thereafter.
52. The Energy Efficiency (Northern Ireland) Order 1999 also gave the Department for Social Development powers to promote energy efficiency in residential accommodation. The Department has used these powers to establish the Warm Homes Scheme and develop a strategy for tackling fuel poverty in Northern Ireland. Fuel poverty is defined as where a household has to spend more than 10% of its income on fuel to maintain an acceptable level of warmth in the home.
53. A number of councils have already undertaken a range of actions on energy efficiency and fuel poverty. The Bill formalises this position and provides all councils with powers to promote domestic energy efficiency in their districts. The proposals include powers to deliver advice and information, provide funding or other assistance and produce action plans to improve domestic energy efficiency.
54. To ensure coherence with existing activity, councils will be required to take account of work undertaken by the Housing Executive and the Department and provide information to the Housing Executive for the purpose of carrying out its functions as Home Energy Conservation Authority.

Clause 29 – Housing Council

55. The Northern Ireland Housing Council was set up by statute in 1971, at the same time as the Housing Executive, to provide a channel of communication between the Housing Executive and district councils on

housing issues. The Housing Council currently consists of 26 members - one from each district council.

56. It is now proposed that the membership from each of the 11 new Councils should increase from 1 to 2 to enable a wider political representation on the Housing Council.

PART 3

SUPPLEMENTARY

Part 3 – Supplementary

57. The regulations made under the provisions of this Bill will be subject to negative resolution. This means that the regulations are made by the Department and will come into operation unless the Assembly passes a motion to annul them.

Human Rights

58. The Department believes that the proposed legislation is compatible with the Human Rights Act 1998.

Equality

59. Under the terms of section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed legislation will not lead to discriminatory or negative differential impact on any of the section 75 groups. A copy of the screening form can be viewed on the Department's website www.dsdni.gov.uk/index/consultations

Regulatory Impact

60. The Department has not conducted a regulatory impact assessment as the proposed legislation does not give rise to any associated costs or savings on business, charities, social economy enterprises or the voluntary sector.

Freedom of Information

61. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read Annex C on the confidentiality of consultations. It gives guidance on the legal position about any information given by you in response to this consultation.

Alternative formats

62. This consultation document and other Departmental publications may be made available in alternative formats upon request.

Consultation

How to respond

63. The consultation period opens on Monday 1 March 2010 and will run for 8 weeks. Responses should be with the Department no later than **Monday 26 April 2010**.

Contact details

64. Postal responses to this consultation should be forwarded to the Department for Social Development at the address below. Faxed or emailed responses will also be accepted.

Post: Bébhinn Ni Bhriain
RPA Bill Team
Urban Regeneration Strategy Directorate
3rd Floor, Lighthouse Building
1 Cromac Place
Gasworks Business Park
Ormeau Road
BELFAST, BT7 2JB

E-mail: rpa@dndni.gov.uk

Telephone: 028 908 29367

Fax: 028 908 29386

Text phone: 0800 232 1715

List of Consultees

65. A list of those who have received copies of the consultation and those who are being consulted informally is attached at Annex B. If you think that there are any other organisations or individuals who are likely to have an interest in this consultation, please let us know their contact details.

66. Please indicate in your response whether the views you are expressing are your own individual views or those of the organisation you represent.

Summary of responses

67. Following the close of the consultation, Departmental officials will analyse the responses received and publish a response within three months of the closing date for submission of responses.

Annex A

Draft Bill

Regeneration and Housing Bill

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REGENERATION

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SCHEDULES:

- | | |
|------------|---|
| Schedule 1 | Powers of [Belfast City] Council in relation to the River Lagan |
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A

B I L L

TO

Confer new powers on district councils in relation to regeneration and housing; to amend the Social Needs (Northern Ireland) Order 1986; and for connected purposes.

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

PART 1

REGENERATION

CHAPTER 1

POWERS IN RELATION TO SOCIAL NEED

Powers of councils to address social need

Financial assistance to address social need

1.—(1) A council may provide financial assistance to any body or person doing, or intending to do, anything falling within subsection (2) which benefits one or more areas of social need in its district.

(2) Financial assistance may be provided under subsection (1) for—

- (a) the promotion, development or regeneration of commercial, industrial or other economic activity;
- (b) the improvement of the environment;
- (c) the provision of housing;
- (d) the provision of social or community facilities;
- (e) the refurbishment or restructuring of buildings;

or for anything not falling within paragraphs (a) to (e) which the council considers will benefit the district.

(3) Financial assistance under this section may include—

- (a) grants;
- (b) loans;
- (c) guarantees;
- (d) the taking of any interest in property or in a body corporate.

Conditions attaching to financial assistance under section 1

2.—(1) In giving financial assistance under section 1, a council may impose such conditions as it thinks fit, including conditions for repayment in specified circumstances.

(2) Any person who without reasonable excuse fails to comply with any condition subject to which financial assistance was given to that person under section 1 requiring that person to inform the council of any event whereby the financial assistance becomes repayable in whole or in part is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
or
- (b) on conviction on indictment, to a fine.

(3) Subsection (4) applies for the purpose of enabling the council—

- (a) to determine whether any condition subject to which the financial assistance is given is satisfied or is being complied with; or
- (b) whether the financial assistance has become repayable in whole or in part in accordance with any such condition

(4) The council may by notice require any person who has received financial assistance under section 1, and any person acting on behalf of that person, to give to the council such information, or to produce for examination by the council such books, records or other documents, as may be specified in the notice.

(5) Subject to subsection (6), a notice under subsection (4) may require—

- (a) the information to which it relates to be furnished within such time as may be specified in the notice, and
- (b) the books, records or other documents to which it relates to be produced at such time and place as may be so specified.

(6) The time specified in a notice under subsection (4) for giving any information or producing any document shall not be earlier than the end of the period of 28 days beginning with the service of the notice.

(7) Any person who in purported compliance with a notice under subsection (4) knowingly or recklessly makes any statement or produces any document which is false in a material particular is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

(8) Any person who without reasonable excuse fails to comply with a notice under subsection (4) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) Any conditions for repayment imposed under subsection (1) shall, if the conditions so provide, be a statutory charge and in the event of any financial assistance under section 1 becoming repayable in circumstances specified in the conditions, the amount of that assistance (as assessed in accordance with the conditions) shall be deemed to be a charge upon any property so specified.

(10) Accordingly in Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (matters required to be registered in the Statutory Charges Register) in paragraph 40 after “Article 4(1) of the Social Need (Northern Ireland) Order 1986” insert “or section 2 of the Regeneration and Housing Act (Northern Ireland) 2010”.

Power to carry out works for the improvement of the environment

3.—(1) A council may carry out works for the improvement of the environment which the council considers will benefit one or more areas of social need in its district.

(2) In the exercise of its powers under this section a council may, with the consent of the Department for Regional Development, carry out works involving the placing of any structure in a road, but shall not so exercise those powers as—

- (a) to obstruct or prevent the passage of vehicles or of the public on foot along the road;
- (b) to obstruct or prevent normal access to premises adjoining the road; or
- (c) to prevent any person from having access to any works of his under, in, on, over, along or across the road.

(3) A council may, with the consent of the Department for Regional Development, sell, let or otherwise dispose of any structure placed by it in a road under this section to any other person.

Department’s power to provide financial assistance

Power of Department to provide financial assistance

4. Article 3 of the Social Need (Northern Ireland) Order 1986 (power of Department to provide financial assistance) is amended as follows.

(2) For paragraph (1) substitute—

“(1) The Department may provide financial assistance to any body or person doing or intending to do anything falling within paragraph (2) which benefits one or more areas of social need”.

(3) In paragraph (2) for “the district” substitute “an area of social need”.

CHAPTER 2
DEVELOPMENT POWERS AND OTHER POWERS FOR PLANNING
PURPOSES

Development and other powers of councils

Development schemes of councils

5.—(1) Where a council considers it expedient that any area in its district should be developed, redeveloped or improved as a whole the council may prepare a development scheme for the area.

(2) Where the Department considers that—

- (a) it is expedient that any area in the district of a council should be developed, redeveloped, or improved as a whole,
- (b) the development, redevelopment or improvement will be of significance to the whole or a substantial part of Northern Ireland, and
- (c) it is not appropriate or expedient for the development, redevelopment or improvement to be carried out under Part 7 of the Planning Order,

the Department may direct the council to prepare a development scheme for the area.

(3) A development scheme shall—

- (a) define, by reference to a map, the area of the scheme; and
- (b) indicate in general terms the manner in which it is intended that the area should be laid out and the land therein used.

(4) A development scheme must be [in general conformity with] the regional development strategy.

(5) A development scheme prepared by a council has no effect unless adopted by the council in accordance with section 6.

(6) It is the duty of a council to comply with any direction given to it under subsection (2).

Adoption of development schemes by councils

6.—(1) Where it has prepared a development scheme, a council shall submit the scheme to the Department and—

- (a) shall consider any comments notified to the council by the Department or any other Northern Ireland department within the period of 28 days from the date on which the scheme is submitted or such longer period as the Department may direct; and
- (b) may, if it thinks fit, amend the scheme.

(2) The council shall then publish in two successive weeks in one or more newspapers circulating in the locality to which the scheme relates a notice—

- (a) describing the area to which the scheme relates and referring to the preparation of the scheme;
- (b) specifying the place at which copies of the scheme may be inspected at reasonable times; and

- (c) stating the time (not being less than 28 days from the last of the publications of the notice) during which objections to the scheme may be sent to the council.

(3) If—

- (a) no objections are made to a development scheme; or
- (b) all objections to a development scheme are withdrawn;

the council may, subject to subsection (5), by order adopt the scheme with or without amendment.

(4) If objections made to a development scheme are not withdrawn the council shall, unless it considers them to be solely of a frivolous or vexatious nature—

- (a) cause [a public local inquiry] to be held by the planning appeals commission; and
- (b) consider any objections not withdrawn and the report of that commission;

and may, subject to subsection (5), thereafter by order adopt the scheme with or without amendments.

(5) A council shall not adopt a scheme under subsection (3) or (4) unless the scheme has been submitted to, and approved by, the Department.

(6) A council may at any time prepare amendments to so much of an adopted development scheme as relates to the manner in which the area of the development scheme is to be laid out and the land therein used.

(7) Section 5(5) and subsections (1) to (5) above apply in relation to such amendments to a scheme as they apply in relation to the original scheme.

Acquisition of land by councils for planning purposes

7.—(1) A council may, by agreement or compulsorily, acquire any land in its district where it is satisfied—

- (a) that the land is required in connection with a development scheme;
- (b) that it is expedient in the public interest that the land should be held together with land so required;
- (c) that the land is required for development or redevelopment, or both, as a whole for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the redevelopment or improvement of another area in its district as a whole; or
- (d) that it is expedient to acquire the land for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

(2) Where the council acquires a lesser estate than a fee simple in any land under [Article 98 of the Planning Order], the council may by agreement or compulsorily acquire such estates in the land as it considers appropriate.

(3) A council shall not acquire any estate in Crown land under this section unless—

- (a) it is an estate which is for the time being held otherwise than by or on behalf of the Crown; and

(b) the appropriate authority consents to the acquisition;

and “appropriate authority” and “Crown land” are to be construed in accordance with [Article 118(1) of the Planning Order].

(4) Proceedings for the acquisition of land in connection with a development scheme may be taken concurrently (so far as practicable) with proceedings required by section 6 to be taken in connection with the adoption of the development scheme; but a vesting order vesting any such land in the council shall not be made until the development scheme has been adopted.

(5) In determining whether to make a vesting order on the application of a council, the Department may disregard any objection to the proposed order which, in the opinion of the Department, amounts in substance to an objection to the provisions of the development plan defining the proposed use of that or any other land.

(6) In this Chapter any reference to the acquisition or appropriation of land for planning purposes is a reference to—

(a) its acquisition under this section; or

(b) its appropriation under [Section 96 (6) of the Local Government Act (Northern Ireland) 1972] for any purpose mentioned in subsection (1).

Disposal of land held by councils for planning purposes

8.—(1) Where any land acquired or appropriated by a council for planning purposes is for the time being held by that council for those purposes, the council may dispose of the land to such person as may appear to it to be expedient in order to secure—

(a) the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out thereon, whether by the council or by any other person, or

(b) the erection, construction or carrying out thereon of any buildings or works appearing to the council to be needed for the proper planning of the area in which the land is situated.

(2) On the termination of any tenancy of any premises let by a council under this section, possession of the premises may (without prejudice to any other method of recovery) be recovered by the council in a summary manner under Articles 67 to 74 of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) whatever may be the rent or term of the tenancy.

Development of land held by councils for planning purposes

9.—(1) A council may erect or construct any building or carry out any work on any land to which this section applies.

(2) A council may enter into an agreement with any person for the development of any land to which this section applies.

(3) A council may maintain, repair and generally manage any buildings or works on land to which this section applies.

(4) This section applies to any land which—

- (a) has been acquired or appropriated by the council for planning purposes; and
 - (b) is for the time being held by it for those purposes.
- (5) The Department may by regulations make provision—
- (a) requiring prescribed details of a proposed exercise by a council of its powers under subsection (1) or (2) to be given to the Department in prescribed cases; and
 - (b) where such notice is required to be given in any case, for prohibiting the exercise by a council of its powers under those subsections in relation to that case until the expiration of such period from the giving of the notice as is prescribed.

Powers of council before acquisition of land for planning purposes

10. Where a council proposes to acquire land compulsorily under section 7, it may, at any time after the date of the publication of the notice mentioned in paragraph 2(a) of Schedule 6 to the Local Government Act (Northern Ireland) 1972 (c. 9) in relation to that land—

- (a) enter into an agreement with any person for securing the disposal of the land (in accordance with section 8) after that land has been acquired for planning purposes;
- (b) exercise the power under subsection (2) of section 9 in relation to the land as if the land were land to which that section applies.

Extinguishment by council of right of way

11.—(1) Where any land acquired or appropriated by a council for planning purposes is for the time being held by that council for those purposes, the council may by order extinguish any public right of way over the land where it is satisfied that the extinguishment of the right of way is necessary for the proper development of the land.

(2) Before making an order under this section, the council shall publish in at least one newspaper circulating in the relevant area a notice—

- (a) stating the general effect of the order;
- (b) specifying a place in the relevant area where a copy of the draft order and of any relevant map or plan may be inspected by any person at all reasonable hours during a period of 28 days from the date of publication of the notice; and
- (c) stating that, within that period, any person may by notice to the council object to the making of the order.

(3) Not later than the date on which that notice is so published, the council shall serve a copy of the notice, together with a copy of the draft order and of any relevant map or plan, on—

- (a) any statutory undertaker having any cables, mains, pipes, or wires laid along, across, under or over any land over which a right of way is to be extinguished, under the order; and

(b) the operator of an electronic communications code network for the purposes of which any electronic communications apparatus is kept installed along, across, under or over any such land.

(4) The council may cause a public local inquiry to be held by the planning appeals commission to hear objections to the proposed order.

(5) After considering any objections to the order which are not withdrawn and, where a public local inquiry is held, the report of the planning appeals commission, the council may make the order either without modification or subject to such modifications as it thinks fit.

(6) Where the council makes an order under this section the council shall publish, in the manner specified in subsection (2), a notice—

(a) stating that the order has been made, and

(b) naming a place where a copy of the order may be seen at all reasonable hours;

and subsection (3) shall have effect in relation to any such notice as it has effect in relation to a notice under subsection (2).

(7) In this section “the relevant area”, in relation to an order, means the area in which any land to which the order relates is situated.

(8) Where—

(a) an order is made under this section; and

(b) immediately before the date on which the order became operative there was, under, in, on, over, along or across the right of way any electronic communications apparatus kept installed for the purposes of an electronic communications code network,

the operator of that network shall have the same powers in respect of that apparatus as if the order had not become operative; but the council shall be entitled to require the alteration of the apparatus.

(9) If the operator of an electronic communications code network—

(a) removes any electronic communications apparatus in circumstances in which subsection (8) applies; and

(b) serves a notice on the council notifying the council of the removal,

the operator shall be entitled to recover from the council the expense of providing in substitution for the apparatus and any electronic communications apparatus connected therewith which is rendered useless in consequence of the removal, any electronic communications apparatus in such other place as the operator may require.

(10) Paragraph 1(2) of the electronic communications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of subsections (8) and (9) as it applies for the purpose of that code.

(11) Paragraph 21 of the electronic communications code (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any electronic communications apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.

(12) Expressions used in this section which are defined in paragraph 1(1) of Schedule 17 to the Communications Act 2003 (c. 21) have the meanings given there.

Power of council to require information

12.—(1) The power in subsection (2) is exercisable by a council for the purpose of enabling the council to make an order or issue or serve a notice or other document which it is authorised or required to make, issue or serve by any provision of this Chapter.

(2) The council may by notice in writing require—

- (a) the occupier of any premises, and
- (b) any person who, either directly or indirectly, receives rent in respect of any premises,

to give in writing, within the period mentioned in subsection (3), such information as to the matters mentioned in subsection (4) as may be specified in the notice.

(3) That period is the period of 21 days from the date on which the notice is served, or such longer period as may be specified in the notice or as the council may allow.

(4) The matters referred to in subsection (1) are—

- (a) the nature of the estate in the premises of the person on whom the notice is served;
- (b) the name and address of any other person known to that person as having an estate in the premises.

(5) Any person who, without reasonable excuse, fails to comply with a notice served on that person under subsection (1) is be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) Any person who having been required by a notice under subsection (1) to give any information knowingly makes any misstatement in giving that information is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.

Development schemes made by the Department

Development schemes made by the Department

13. For Article 85 of the Planning Order substitute—

“Development schemes

85.—(1) Where the Department considers that—

- (a) it is expedient that any area should be developed, redeveloped, or improved as a whole,
- (b) the development, redevelopment or improvement will be of significance to the whole or a substantial part of Northern Ireland, and

- (c) it is not appropriate or expedient for the development, redevelopment or improvement to be carried out under Chapter 2 of Part 1 of the Regeneration and Housing Act (Northern Ireland) 2010,

the Department may, after consulting the appropriate district council, prepare a development scheme for the area.

- (2) A development scheme shall—
 - (a) define, by reference to a map, the area of the scheme; and
 - (b) indicate in general terms the manner in which it is intended that the area should be laid out and the land therein used.”.

Transfer of assets and liabilities to councils

Transfer of assets and liabilities relating to certain schemes to councils

14.—(1) This section applies to the assets and liabilities held or incurred by the Department immediately before the commencement of this section for the purposes of, or in connection with, a transferred development scheme.

(2) For the purposes of this section “a transferred development scheme” is any scheme adopted by the Department under Part 7 of the Planning Order before the commencement of this section, other than a development scheme prescribed by regulations made by the Department under section 17(a) (“a retained development scheme”).

(3) The assets and liabilities to which this section applies are transferred to, and by virtue of this section vest in, the relevant council.

(4) The relevant council, in relation to any assets or liabilities held or incurred by the Department for the purposes of a transferred development scheme, is the council for the district in which the area to which the transferred development scheme applies is situated.

(5) A transferred development scheme shall have effect as if adopted by the relevant council under this Chapter.

(6) A retained development scheme shall continue to have effect as if section 13 were omitted from this Chapter.

(7) This section has effect in relation to assets or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the assets or liabilities otherwise than by this section.

(8) But this section does not apply to rights or liabilities under a contract of employment.

(9) A certificate issued by the Department that any assets or liabilities have been transferred to the relevant council under this section shall be conclusive evidence of the transfer.

(10) A transfer under this section does not affect the validity of anything done by, or in relation to, the Department before the commencement of this section.

(11) Anything which—

(a) before the commencement of this section was done by, or in relation to, the Department for the purposes of, or otherwise in connection with, anything transferred by this section, and

(b) is in effect immediately before the commencement of this section,
is to be treated as if it had been done by, or in relation to, the relevant council.

(12) There may be continued by, or in relation to, the relevant council anything (including legal proceedings)—

(a) which relates to anything transferred by this section, and

(b) which is in the process of being done by, or in relation to, the Department immediately before the commencement of this section.

(13) In any document—

(a) which relates to anything transferred by this section, and

(b) which is in effect immediately before the commencement of this section,

any reference to the Department is to be read as a reference to the relevant council.

Transfer of assets and liabilities relating to retained schemes

15.—(1) This section applies to the assets and liabilities held or incurred by the Department for the purposes of, or in connection with, a retained development scheme immediately before the date which is specified by order of the Department in relation to that scheme.

(2) In this section—

(a) “retained scheme” has the same meaning as in section 14; and

(b) “the transfer date”, in relation to a retained scheme, means the date specified in relation to that scheme by an order under subsection (1).

(3) On the transfer date the assets and liabilities are transferred to, and by virtue of this section vest in, the relevant council.

(4) The relevant council, in relation to the assets or liabilities held or incurred by the Department for the purposes of a retained development scheme, is the council for the district in which the area to which the retained development scheme applies is situated.

(5) This section has effect in relation to assets or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the assets or liabilities otherwise than by this section.

(6) But this section does not apply to rights or liabilities under a contract of employment.

(7) A certificate issued by the Department that any assets or liabilities have been transferred to the relevant council under this section shall be conclusive evidence of the transfer.

(8) A transfer under this section does not affect the validity of anything done by, or in relation to, the Department before the commencement of this section.

(9) Anything which—

(a) before the transfer date was done by, or in relation to, the Department for the purposes of, or otherwise in connection with, anything transferred by this section, and

(b) is in effect immediately before the transfer date,

is to be treated as if it had been done by, or in relation to, the relevant council.

(10) There may be continued by, or in relation to, the relevant council anything (including legal proceedings)—

(a) which relates to anything transferred by this section, and

(b) which is in the process of being done by, or in relation to, the Department immediately before the transfer date.

(11) In any document—

(a) which relates to anything transferred by this section, and

(b) which is in effect immediately before the transfer date,

any reference to the Department is to be read as a reference to the relevant council.

Transfer to councils of certain land of Department

16.—(1) This section applies to any land which—

(a) immediately before the commencement of this section is held by the Department otherwise than for the purposes of, or in connection with, a development scheme adopted under Part 7 of the Planning Order, and

(b) was acquired by the Department under Article 87 of the Planning Order, or was appropriated under paragraph (7) of that Article, for the purposes set out in paragraph (1)(c) or (d) of that Article,

other than land, or land of a description, prescribed by regulations under section 17(b).

(2) Any land to which this section applies is transferred to, and by virtue of this section vests in, the council for the district in which the land is situated.

(3) This section has effect in relation to land to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the land otherwise than by this section.

(4) A transfer under this section does not affect the validity of anything done by, or in relation to, the Department before the commencement of this section.

(4) Anything which—

(a) before the commencement of this section was done by the Department for the purposes of, or otherwise in connection with, any land transferred by this section, and

(b) is in effect immediately before the commencement of this section,

is to be treated as done by, or in relation to, the council to which the land is transferred.

(5) There may be continued by, or in relation to, that council anything (including legal proceedings)—

(a) which relates to any land transferred by this section, and

- (b) which is in the process of being done by, or in relation to, the Department immediately before the commencement of this section.

(6) In any document—

- (a) which relates to any land transferred by this section, and
- (b) which is in effect immediately before the commencement of this section,

any reference to the Department is to be read as a reference to the council to which the land is transferred.

Exceptions from transfers under section 14 and 16

17. The Department may by regulations provide—

- (a) that section 14 is not to apply to a prescribed development scheme;
- (b) that section 16 is not to apply to prescribed land, or to land of a prescribed description.

Transitional arrangements: unadopted schemes

Unadopted development schemes

18.—(1) The Department may by regulations make provision in relation to any development scheme—

- (a) notice of which has been published under Article 86 of the Planning Order before the commencement of section 14; but
- (b) which has not been adopted under that Article before that date.

(2) Regulations under this section may provide—

- (a) for Part 7 of the Planning Order to continue to have effect in relation to the scheme as if section 13 were omitted from this Act;
- (b) for the scheme to be abandoned by the Department; or
- (c) for the scheme to be adopted under this Part by the council for the district in which the area to which the scheme applies is situated.

(3) Regulations under this section may provide for this Chapter or Part 7 of the Planning Order to apply in relation to a scheme mentioned in subsection (1) with such modifications as may be prescribed.

Interpretation

Interpretation of Chapter 2

19.—(1) In this Chapter “the Planning Order” means the Planning (Northern Ireland) Order 1991 (NI 11).

(2) In this Chapter any expression which is defined in Article 2(2) of the Planning Order has the same meaning as in that Order.

(3) In this Chapter any reference to the acquisition or appropriation of land for planning purposes is to be construed in accordance with section 7(6).

CHAPTER 3
LAGANSIDE

Transfer to council of certain functions in relation to Lagan

20.—(1) The Lagan Development (Northern Ireland) Order 1989 (NI 2) is repealed.

(2) Schedule 1 confers on [Belfast City Council] certain powers formerly exercisable by the Department under that Order in relation to part of the River Lagan.

Transfer of assets and liabilities to council

21.—(1) Except as provided by regulations under section 22, all assets and liabilities to which the Department is entitled or subject immediately before the commencement of this section under the Lagan Development (Northern Ireland) Order 1989 are transferred to, and by virtue of this subsection vest in, [Belfast City Council] (“the council”).

(2) The transfer has effect in relation to assets or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the assets or liabilities otherwise than by this section.

(3) But the transfer does not apply to rights or liabilities under a contract of employment.

(4) A certificate issued by the Department that any assets or liabilities have been transferred to the council under this section shall be conclusive evidence of the transfer.

(5) The transfer does not affect the validity of anything done by, or in relation to, the Department before the commencement of this section.

(6) Anything which—

(a) before the commencement of this section was done by, or in relation to, the Department for the purposes of or otherwise in connection with, anything transferred by this section, and

(b) is in effect immediately before the commencement of this section,

is to be treated as done by, or in relation to, the council.

(7) Anything (including any legal proceedings) in the process of being done by, or in relation to, the Department immediately before the transfer date may be continued by, or in relation to, the council.

(8) In any document—

(a) which relates to anything transferred by this section, and

(b) which is in effect immediately before the commencement of this section,

any reference to the Department is to be read as a reference to the council.

Land excepted from transfer under section 21

22.—(1) The Department may by regulations provide that section 21 is not to apply to any prescribed land.

(2) The repeal by this Act of the Laganside Development (Northern Ireland) Order 1989 (NI 2) does not affect the continued operation of the following provisions of that Order in relation to any land prescribed under subsection (1) while that land remains vested in the Department—

- (a) Articles 2 and 3 (interpretation and the designated area);
- (b) Article 23 (disposal of land).

CHAPTER 4

GENERAL

Surveys and studies

23. A council may carry out, or give financial assistance towards the carrying out, of such studies, investigations and research as it considers appropriate in connection with the exercise of its functions under this Part.

Guidance

24.—(1) In exercising any function under this Part a council shall have regard to any guidance issued by the Department in relation to the exercise by councils of that function.

(2) The Department shall consult with councils before issuing any guidance under this section.

PART 2

HOUSING

Repeal of certain functions of Executive relating to unfitness of housing

25. In the Housing (Northern Ireland) Order 1981 (NI 3) the following provisions are repealed—

- (a) Articles 32 to 34 and Schedule 4 (clearance areas and clearance orders);
and
- (b) Chapter 3 of Part 3 (redevelopment orders).

Transfer to councils of functions of Executive relating to unfitness of housing

26.—(1) The functions of the Executive under—

- (a) Articles 35 to 46A of the Housing (Northern Ireland) Order 1981 (demolition orders, closing orders and repair notices), and
- (b) Chapter 5 of Part 3 of the Housing (Northern Ireland) Order 2003 (NI 2) (deferred action notices),

in relation to premises of any description situated in the district of a council are transferred to that council.

(2) Schedule 2 contains amendments to those Orders for giving effect to that transfer.

(3) A transfer of functions under this section does not affect the validity of anything done by, or in relation to, the Executive before the commencement of this section.

(4) Anything which—

(a) before the commencement of this section was done by, or in relation to, the Executive for the purposes of, or otherwise in connection with, any function transferred to a council by this section, and

(b) is in effect immediately before the commencement of this section, is to be treated as if it had been done by, or in relation to, that council.

(5) There may be continued by, or in relation to, a council anything (including legal proceedings)—

(a) which relates to any function transferred by this section to that council, and

(b) which is in the process of being done by, or in relation to, the Executive immediately before the commencement of this section.

(6) In any document—

(a) which relates to any function transferred by this section to a council, and

(b) which is in effect immediately before the commencement of this section, any reference to the Executive is to be read as a reference to that council.

Transfer to council of functions relating to houses in multiple occupation

27.—(1) The functions of the Executive under Part 4 of the Housing (Northern Ireland) Order 1992 (NI 15) (houses in multiple occupation) in relation to premises of any description situated in the district of a council are transferred to that council.

(2) Schedule 3 contains amendments to that Order for giving effect to that transfer.

(3) A transfer of functions under this section does not affect the validity of anything done by, or in relation to, the Executive before the commencement of this section.

(4) Anything which—

(a) before the commencement of this section was done by, or in relation to, the Executive for the purposes of, or otherwise in connection with, any function transferred to a council by this section, and

(b) is in effect immediately before the commencement of this section, is to be treated as if it had been done by, or in relation to, that council.

(5) There may be continued by, or in relation to, a council anything (including legal proceedings)—

(a) which relates to any function transferred by this section to that council, and

(b) which is in the process of being done by, or in relation to, the Executive immediately before the commencement of this section.

(6) In any document—

(a) which relates to any function transferred by this section to a council, and

(b) which is in effect immediately before the commencement of this section, any reference to the Executive is to be read as a reference to that council.

Functions of councils in relation to energy efficiency

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

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

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

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

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

- (a) any report published by the Executive under section 2 of the Home Energy Conservation Act 1995 (c. 10); and
- (b) any strategy published by the Department in connection with the exercise of its functions under Article 5 of the Energy Efficiency (Northern Ireland) Order 1999 (NI 3).

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

(6) In this section—

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

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

Constitution of Housing Council

29. In Schedule 2 to the Housing (Northern Ireland) Order 1981 (Housing Council) in paragraph 1 for sub-paragraphs (1) and (2) substitute—

“(1) Each district council shall appoint 2 of its members to be members of the Council.

(2) Where a person appointed dies or resigns the council which appointed that person may appoint another of its members to fill the vacancy.”

Interpretation of Part 2

30. In this Part “the Executive” means the Northern Ireland Housing Executive.

PART 3
SUPPLEMENTARY

Supplementary, incidental consequential, transitional provision etc.

31.—(1) The Department may by order make—

- (a) such supplementary, incidental or consequential provision,
- (b) such transitory, transitional or saving provision,

as it considers appropriate for the general purposes, or any particular purpose, of this Act, or in consequence of, or for giving full effect to, any provision made by this Act.

(2) An order under subsection (1) may amend, repeal, revoke or otherwise modify any statutory provision (including this Act).

(3) Nothing in this Act affects the generality of the power conferred by this section.

(4) No order shall be made under this section unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

Regulations and orders

32.—(1) Regulations under this Act shall be subject to negative resolution.

(2) Regulations and orders made by the Department under this Act may contain such incidental, supplementary, transitional and savings provisions as appear to the Department to be necessary or expedient.

Interpretation

33. In this Act—

- “council” means a district council;
- “the Department” means the Department for Social Development;
- “prescribed” means prescribed by regulations;
- “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c.33).

Minor and consequential amendments and repeals

34.—(1) The statutory provisions set out in Schedule 4 have effect subject to the minor and consequential amendments specified in that Schedule.

(2) The statutory provisions set out in Schedule 5 are repealed to the extent specified in the second column of that Schedule.

Commencement

35.—(1) Except as provided by subsection (2), this Act comes into operation on such day or days as the Department may by order appoint.

(2) The following provisions come into operation on the day after Royal Assent—

- (a) section 17;
- (b) section 22;

- (b) sections 31 to 33;
- (c) this section; and
- (d) section 36.

Short title

36. This Act may be cited as the Regeneration and Housing Act (Northern Ireland) 2010.

SCHEDULES

SCHEDULE 1

POWERS OF [BELFAST CITY] COUNCIL IN RELATION TO THE RIVER
LAGAN

Interpretation

1. In this Schedule—

“the harbour limits” means the limits for the time being of the jurisdiction of the Belfast Harbour Commissioners under the Belfast Harbour Acts and Orders 1847 to 2002;

“the river” means that part of the River Lagan between the Stranmillis Weir and a line five metres down-stream of the seaward extremity of, and parallel to, the Lagan Bridge;

“the Council” means [Belfast City] Council.

Power to execute works in relation to the river

2.—(1) The Council may execute such works in, on, across, over, alongside or adjacent to the river as it considers appropriate for the purposes of—

- (a) improving the quality of water in the river;
- (b) improving the immediate environment of the river;
- (c) promoting the recreational use of the river; or
- (d) facilitating access to the river.

(2) In particular the Council may—

- (a) construct embankments, quays and footpaths alongside, or adjacent to, the river;
- (b) dredge, reclaim land from, and alter or divert the channel of, the river;
- (c) operate, maintain, repair, alter, extend or remove any works executed under this Schedule and any existing works; and
- (d) provide such buildings, amenities, machinery, plant, apparatus and appliances as it considers appropriate in connection with any works executed under this Schedule and any existing works.

(3) In sub-paragraph (2) “existing works” means works in, on, across, over, alongside or adjacent to the river which were executed at any time before the coming into operation of this Schedule under the Laganside (Northern Ireland) Order 1989 (NI 2) or any other statutory provision.

Construction of bridges, weirs, locks and barrages

3.—(1) The Council may construct a bridge over, or weir, lock or barrage across, the river.

(2) Before executing any works under this paragraph the Council shall take into consideration the reasonable requirements of navigation on the river.

(3) The reference in this paragraph to a bridge include reference to a road, footway or railway over the bridge and to the approaches of any road, footway or railway to the bridge.

Byelaws as to use of river and certain adjacent land

4.—(1) The Council may make byelaws—

- (a) regulating the use of the river by vessels;
- (b) requiring vessels using the river to be licensed for that purpose by the Council;
- (c) regulating fishing in the river;
- (d) requiring persons fishing in the river to obtain a permit for that purpose from the Council;
- (e) regulating the grant, renewal and revocation of licences under paragraph (b) and permits under paragraph (d), the conditions subject to which such licences and permits are to be granted and prescribing the fees payable in respect of the grant or renewal of such licences or permits;
- (f) regulating the construction, condition, safety and control of vessels which may use the river and the equipment to be carried on such vessels;
- (g) regulating the movement of vessels, and the use of lights, on the river;
- (h) for the levying by the Council of charges in respect of the use of the river or any service or facility provided by the Council on the river or on land adjacent to the river;
- (i) for the removal by the Council of vessels or objects from the river in such circumstances as may be specified in the byelaws, the storage and disposal by the Council of vessels or objects so removed and the recovery by the Council of the costs of removal, storage and disposal;
- (j) regulating the conduct of persons on the river or on land adjacent to the river and vested in the Council;
- (k) prohibiting the erection of any structure in the river or on land mentioned in paragraph (j) without the consent of the Council;
- (l) prohibiting the carrying on of any commercial activity on the river or on any land mentioned in paragraph (j) without the consent of the Council.

(2) Byelaws under this paragraph shall not apply in relation to—

- (a) any part of the river within the harbour limits; or
- (b) any land adjacent to any such part of the river.

(3) In their application to byelaws under this paragraph sections 91 to 94 of the Local Government Act (Northern Ireland) 1972 apply as if for any reference to the Ministry concerned there were substituted a reference to the Department and the Department of Agriculture acting jointly.

(4) The powers to secure the observance of byelaws made under this Schedule which are conferred on an authorised officer of the Council under section 93 of the Local Government Act (Northern Ireland) 1972 include power—

- (a) to board and inspect any vessel on the river; and
- (b) to require any person suspected of contravening a byelaw to furnish his name and address to the officer.

(5) Section 94 of the Public Health Acts Amendment Act 1907 (c.53) (licensing powers of district council in relation to pleasure vessels and persons in charge thereof) shall not apply in relation to any vessel using the river.

Approval of Department of Agriculture and Rural Development

5.—(1) The Council shall not execute any works under paragraph 2 unless those works have been approved by the Department of Agriculture and Rural Development.

(2) That approval may be given subject to such terms and conditions as that Department thinks fit.

Consultation with the Belfast Harbour Commissioners

6.—(1) It shall be the duty of the Council before—

- (a) executing any works under this Schedule within the harbour limits; or
- (b) exercising any power conferred by this Schedule within the harbour limits,

to consult with the Belfast Harbour Commissioners and to take into account any representations made to the Council by the Commissioners so as to ensure that the execution of those works or the exercise of those powers causes the minimum interference to the property of the Commissioners or to the exercise by the Commissioners of their functions.

(2) Sections 8 to 14 of the Belfast Port and Harbour Conservancy Act 1852 (c. cxxi) (control of works within the harbour limits) shall not apply to the Council or to works executed under this Schedule.

Tidal works

7.—(1) The Council shall not construct, alter or extend any tidal work under this Schedule except with the consent of the Secretary of State concerned with navigation and subject to any conditions imposed by the Secretary of State before the works are begun.

(2) Schedule 3 to the Harbours Act (Northern Ireland) 1970 (c. 1) (conditions relating to tidal works) shall apply in relation to any tidal work constructed, altered or extended by the Council under this Schedule as it applies in relation to any tidal work constructed, altered or extended by a local harbour authority but with the substitution—

- (a) for references to a local harbour authority and the responsible harbour authority of references to the Council;
- (b) for the references to section 11(1) and (2) of that Act of references to sub-paragraph (1) of this paragraph; and
- (c) in paragraph 3(1) for the words “in the harbour of” of the words “constructed by”.

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(3) In this paragraph and in Schedule 3 to the Harbours Act (Northern Ireland) 1970 as applied by sub-paragraph (2) “tidal work” means any work, or part of any work, which is on, under or over any land which is below the level of mean high water springs.

Dredging

8.—(1) Without prejudice to paragraph 7, the Council shall not dredge the river within the harbour limits without the consent of the Belfast Harbour Commissioners.

(2) Any materials taken up or collected in the course of dredging the river shall be the property of the Council and may be used, sold, removed, deposited or otherwise disposed of as the Council may think fit; but the Council shall not deposit any such materials below the level of mean high water springs except in such position as the Secretary of State concerned with navigation may approve and subject to such conditions and restrictions as the Secretary of State may impose.

Temporary interference with river

9. The Council may, for the purpose of or in connection with the execution of any works under this Schedule—

- (a) temporarily alter or interfere with the river and construct or place in the river all such temporary works as it considers necessary or expedient;
- (b) temporarily occupy and use the river;
- (c) temporarily restrict, terminate or otherwise interfere with easements, fishing rights, water rights, navigation rights or other similar rights.

Extinguishment of certain public rights

10.—(1) If the Department considers it necessary or desirable to do so in connection with any works executed under this Schedule, the Department may, on application to it by the Council, make an order extinguishing—

- (a) any public rights over or in relation to such part of the foreshore associated with the river as is specified in the order;
- (b) any public rights of navigation over such part of the river as is specified in the order.

(2) Article 133(1) and (4) of, and Schedule 8 to, the Roads (Northern Ireland) Order 1993 (NI 15) shall apply to an order under sub-paragraph (1) as they apply to an order under Article 6 of that Order.

SCHEDULE 2

AMENDMENTS: TRANSFER TO COUNCILS OF FUNCTIONS RELATING TO UNFITNESS OF HOUSING

The Housing (Northern Ireland) Order 1981 (NI 3)

1. After Article 34 insert—

“The council

34A. In this Chapter references to “the council”, in relation to premises of any kind, are references to the district council for the district in which the premises are situated.”.

2.—(1) Subject to sub-paragraph (2), in Articles 35 to 46A for “Executive” (wherever occurring) substitute “council”.

(2) Sub-paragraph (1) does not apply to—

- (a) the second and third places where “Executive” occurs in Article 37(4);
- (b) Article 41A (2) and (3).

3. In Article 35 for paragraph (7) substitute—

“(7) Any expenses incurred by the council under paragraph (6), after giving credit for any amount realised by the sale of materials, may be recovered by it as a debt in the county court from the owner of the building, or, if there is more than one owner, from the owners thereof in such shares as the court may determine to be just and equitable.

(8) Any surplus in the hands of the council shall be paid by it to the owner of the building or, if there is more than one owner, shall be paid as those owners may agree, or may, in default of agreement, be paid into the county court, and may be paid out to the owners by order of the court in such shares as the court may determine to be just and equitable.”.

4. In Article 41A(1)(b) after “it expects” insert “the Executive”.

The Housing (Northern Ireland) Order 1992(NI 15)

5. In Schedule 3 (repair grants) for paragraph 2(3) substitute—

“(3) The Executive may dispense with the condition in paragraph (1) if—

- (a) the council for the district in which the dwelling house is situated informs the Executive that in the council’s opinion the dwelling-house may be demolished within the period of 5 years from the date on which the Executive received the application for the repairs grant; or
- (b) that council informs the Executive that, notwithstanding that the relevant works are completed, the dwelling-house will, within that period become unfit for human habitation and the Executive is of the opinion that the dwelling-house will, at the expiration of that period, be incapable of being rendered fit at reasonable expense.”

The Housing (Northern Ireland) Order 2003 (NI 2)

6. For Article 30 (fitness for human habitation) substitute—

“Fitness for human habitation

30.—(1) This Article applies where in connection with the exercise of any function of the Executive under this Part it falls to be determined whether any dwelling or house is fit for human habitation.

(2) That question is to be determined by the council for the district in which the dwelling or house is situated (“the appropriate council”); and Article 46 of the Order of 1981 (fitness for human habitation) applies for the purposes of this Part as it applies for the purposes of that Order.

(3) The appropriate council must—

- (a) make any determination required by paragraph (2);
- (b) notify the Executive of any determination so made; and
- (c) if the determination is to the effect that a dwelling or house is unfit for human habitation, notify the Executive of the works which in the opinion of the council would need to be completed to render the dwelling or house fit for human habitation.

(4) In deciding for the purposes of this Part whether it is satisfied that the carrying out of the relevant works is the most satisfactory course of action in any case where the dwelling or house concerned is unfit for human habitation, the Executive shall have regard to—

- (a) the works notified to the Executive under paragraph (3)(c); and
- (b) any guidance given to it by the Department.

(5) Without prejudice to the matters in respect of which the Department may give guidance under paragraph (4), it may, in particular, give guidance in respect of financial and social considerations to be taken into account by the Executive.

(6) Where the Department proposes to give guidance under paragraph (4), or to revise guidance already given, it shall lay a draft of the proposed guidance or alterations before the Assembly and—

- (a) the Department shall not give the guidance or revise the guidance until after the expiration of the statutory period; and
- (b) if within that period the Assembly resolves that the guidance or alterations be withdrawn the Department shall not proceed with the proposed guidance or alterations (but without prejudice to the laying of a further draft).”.

6.—(1) Article 44 is amended as follows.

(2) Omit paragraph (4).

(3) In paragraph (5) for the words before sub-paragraph (a) substitute—

“If the premises to which an application for a renovation grant relates are not fit for human habitation, the Executive shall not approve the application unless it is satisfied—”.

7. In Article 55 for paragraph (4) substitute—

“(4) Where the Executive proposes to approve an application for a disabled facilities grant, then in deciding whether it is reasonable and practicable to carry out the relevant works it shall take into account—

- (a) in the case of an application in respect of works to a dwelling, whether the dwelling is fit for human habitation; and

- (b) in the case of a common parts application, whether the building meets the requirements in Article 46(2) of the Order of 1981.

8.—(1) Article 59 is amended as follows.

(2) For paragraph (4) substitute—

“(4) Paragraph (5) applies if, where the Executive proposes to approve an application for an HMO grant, the house to which the application relates—

- (a) is not fit for human habitation; or
- (b) does not meet the requirements in Article 80(2) of the Order of 1992.”.

(3) In paragraph (5) omit the words from the beginning to “those requirements”.

9. In Article 110 before the definition of “deferred action notice” insert—

“ “the council”, in relation to premises of any kind, means the district council for the district in which the premises are situated;”.

10. In Articles 111 to 117—

- (a) for “Executive” (wherever occurring) substitute “council”; and
- (b) for “Executive’s” (wherever occurring) substitute “council’s”.

11. In Article 114 (2) omit the words from “For this purpose” to the end.

The Private Tenancies (Northern Ireland) Order 2006 (NI 10)

12. Omit Article 21.

SCHEDULE 3

AMENDMENTS: TRANSFER TO COUNCILS OF FUNCTIONS RELATING TO HOUSES IN MULTIPLE OCCUPATION

The Housing (Northern Ireland) Order 1992 (NI 15)

1.—(1) In Part 4 and Schedule 4—

- (a) for “Executive” (wherever occurring) substitute “council”;
- (b) for “Executive’s” (wherever occurring) substitute “council’s”.

(2) In Article 75A before the definition of “occupancy direction” insert—

“ “the council”, in relation to premises of any kind, means the district council for the district in which the premises are situated;”.

(3) In Article 75B(3) omit “need not be for the whole of Northern Ireland and”.

(4) In Article 75C(5) for sub-paragraphs (a) and (b) substitute “, but the order may specify cases in which no fee is payable”.

(5) In Article 75M(6) for the words from “in Northern Ireland” to the end substitute “in the district of the council”.

(6) In Article 86 for paragraphs (2) and (3) substitute—

“(2) Subject to paragraphs (3) and (3A), section 98 of the Local Government Act (Northern Ireland) 1972 (c.9) (powers of entry) shall apply to entry for the purposes of exercising any functions conferred on a council by or under this Part, and without prejudice to the generality of the foregoing shall apply in particular to entry for the purposes of—

(a) ascertaining whether any function conferred on the council by or under this Part should be exercised; and

(b) ascertaining whether there has been any contravention of this Part.

(3) In its application to entry for the purpose mentioned in paragraph (2)(b), section 98 shall apply with the omission of subsection (2).

(3A) In its application to entry for any purpose, subsections (3) and (4) of section 98 shall apply as if for the references to level 3 and level 2 on the standard scale there were substituted references to level 4 on that scale.”.

(7) At the end of Part 4 insert—

“Duty to promote awareness of rights and duties under this Part

87A.—(1) It is the duty of a council to take such action as it thinks appropriate in relation to its district to promote an awareness of the rights and duties arising under this Part among those persons who are affected or likely to be affected by the provisions of this Part.

(2) Actions taken by a council under this Article must be approved by the Department.

(3) A council must comply with any directions given to it by the Department as to the exercise of its duty under this Article.”.

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

The Housing (Northern Ireland) Order 1981 (NI 3)

1. In Article 46A(1) (guidance) for “41 or 47” substitute “or 41”.

The Planning Blight (Northern Ireland) Order 1981 (NI 16)

2.—(1) Article 3 (application of the Order) is amended as follows.

(2) In paragraph (1)(j) after “Article 86 of the Planning Order” insert “or section 6 of the Regeneration and Housing Act (Northern Ireland) 2010”.

(3) After paragraph (3) insert—

“(3A) In paragraph (1)(j) the reference to a development scheme adopted under section 6 of the Regeneration and Housing Act (Northern Ireland) 2010 includes a reference to—

(a) a development scheme notice of which has been published under section 6(2) of that Act;

(b) amendments to that scheme notice of which have been published by virtue of section 6(7) of that Act.”.

(4) In paragraph (4) for “or (3)” substitute “, (3) or (3A)” and omit “by the Department”.

The Planning (Northern Ireland) Order 1991 (NI 11)

3.—(1) In Article 9(2)(f) (incorporation in development plans) after “Article 86” insert “or section 6 of the Regeneration and Housing Act (Northern Ireland) 2010”.

(2) Omit Article 88 (compensation where unfit houses acquired).

The Licensing (Northern Ireland) Order 1996 (NI 22)

4.—(1) In Article 10(2) (preliminary approval of sites)—

- (a) omit from the beginning to “II of”; and
- (b) for the words from “, where the sites are” to the end substitute “the meeting of expenses.”.

(2) In Schedule 3 (approval of sites) omit—

- (a) in paragraph 1, the definitions of “proposed redevelopment area” and “development area”;
- (b) paragraph 2(2); and
- (c) Part 2.

SCHEDULE 5

REPEALS

Short Title	Extent of repeal
The Land Registration Act (Northern Ireland) 1970 (c.18)	In Schedule 11, paragraph 37(a) and (d).
The Rent (Northern Ireland) Order 1978 (NI 20)	In Article 8(7A) the words from “as if for any reference” to the end.
The Housing (Northern Ireland) Order 1981 (NI 3)	In Article 2(2) the definitions of “clearance area” and “exclusion order”. Articles 32 to 34. In Article 36(1) the words “paragraph 7 of Schedule 4 or, as the case may be,” and “clearance order or”. In Article 36(3) the words “clearance or”. In Article 45 the words “clearance or”. In Article 46A(1) “32,”. In Article 46A(1)(g) and (h). Chapter 3 of Part 3. In Article 62(5) the words “re-development area or” and “a re-development scheme approved under Chapter III or”. In Article 89(2) the words “clearance order”. In Article 90(2) the words “III or”.

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Short Title	Extent of repeal
	In Article 91(1), (2), (3) and (5) the words “clearance order”.
	In Article 92(1) the words “clearance order”.
	Article 98.
	In Article 101(1) the words “clearance order”.
	Article 161(1)(a) and (d).
	Schedule 4.
The Planning Blight (Northern Ireland) Order 1981 (NI 6)	In Article 3(4) the words “by the Department”.
	Article 26.
The Housing (Northern Ireland) Order 1988 (NI 23)	
The Laganside Development (Northern Ireland) Order 1989 (NI 2)	The whole Order.
	Article 88.
The Planning (Northern Ireland) Order 1991 (NI 1)	
	Article 45(2)(d).
	Article 69(1)(a).
The Housing (Northern Ireland) Order 1992 (NI 15)	In Article 75B(3) the words “need not be for the whole of Northern Ireland and”.
	In Schedule 6, paragraphs 4 and 9.
The Licensing (Northern Ireland) Order 1996 (NI 22)	In Article 10(2), the words from the beginning to “II of”.
	In Schedule 3—
	(a) in paragraph 1, the definitions of “proposed redevelopment area” and “development area”;
	(b) paragraph 2(2); and
	(c) Part 2.
The Housing (Northern Ireland) Order 2003 (NI 2)	In Article 114(2) the words from “For this purpose” to the end.
The Private Tenancies (Northern Ireland) Order 2006 (NI 10)	Article 17(2).
	Article 21.

Annex B

List of Consultees

Annex B

List of Consultees

<p>Active Community Unit, Home Office Advice Services Alliance Age Concern (NI) Help the Aged (NI) a2b (Access to Benefits) An Munia Tober Archbishop of Armagh and Primate of All Ireland Armagh Travellers Support Group Association of Chief Officers of Voluntary Organisations Association of Independent Advice Centres Autism NI (PAPA) Barnardos Belfast Healthy Cities Baha'i Office for Northern Ireland Belfast Jewish Community Belfast Unemployment Resource Centre Bishop of Down & Connor Belfast Partnership Boards The Blind Centre (NI) British Deaf Association NI Dyslexia Association Bryson Charitable Group Business in the Community Cara-friend CARE in Northern Ireland Carers Northern Ireland The Cedar Foundation Centre for Voluntary Action Studies, University of Ulster "Challenge" Chartered Institute of Housing Child Poverty Action Group Children in Northern Ireland (CiNI) Children's Law Centre Chinese Chamber of Commerce Chinese Welfare Association Chrysalis Women's Centre Citizens Advice Clerk to the Committee of the Centre Coalition on Sexual Orientation Coiste na n-iarchimi Committee on the Administration of Justice Community Development and Health Network (NI) Community Foundation for Northern Ireland</p>	<p>The Community Relations Council Community Relations Training/Learning Consortium Community Places Concordia Confederation of British Industry Confederation of Community Groups Co-operation Ireland CORI NI Office Council for the Homeless (Northern Ireland) Counteract COUNCILS Craigavon Traveller's Support Committee Cruse Bereavement Care (NI) Democratic Dialogue Departmental Solicitor's Office Derry Well Woman Disability Action District Councils Down and Connor Family Ministry Commission Down's Syndrome Association East Belfast Community Development Agency Education and Library Boards Employers' Forum on Disability Equality Coalition Equality Commission Economic Research Institute of Northern Ireland Falls Community Council Falls Women's Centre Family Planning Association NI Fermanagh Women's Network First Division Association First Key (NI) Foyle Friend Foyle Friend Women's Group Foyle Women's Information Network Foyle Women's Aid Gay and Lesbian Youth NI GEMS Northern Ireland Limited General Consumer Council Gingerbread NI The Guide Dogs for the Blind Association Health and Social Services Boards Housing Rights Service Indian Community Centre Information Commissioner's Office</p>
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<p>Invest (NI) Irish Congress of Trade Unions Knights of Columbanus The Law Centre (NI) The Law Society of NI The Community and Leisure Services Section Lesbian Line Library, Parliament Buildings The Local Government Staff Commission for Northern Ireland (LGSC) Magherafelt Women's Group Members of the Northern Ireland Assembly Men's Action Network (MAN) Mencap Methodist Church in Ireland Mid-Ulster Women's Network Multi-Cultural Resource Centre National Association of Pension Funds National Children's Bureau NI Newry and Mourne Senior Citizen's Consortium Newry and Mourne Women Ltd Newtownabbey Senior Citizen's Forum Neighbourhood Partnerships NI African Cultural Centre NI Anti-Poverty Network NI Commissioner for Children and Young People NI Federation of Housing Associations NI Islamic Centre NIACRO NICVA NIGRA (NI Gay Rights Association) Northern Ireland Association for Mental Health Northern Ireland Committee, Irish Congress of Trade Unions Northern Ireland Council for Ethnic Minorities Northern Ireland Government Departments Northern Ireland Housing Council Northern Ireland Housing Executive NI Human Rights Commission (NIHRC) NIPSA NI Statistics & Research Agency (NISRA) Northern Ireland Tenants Action Project NI Union of Supported Employment NI Volunteer Development Agency NI Women's Aid Federation NI Women's European Platform (NIWEP) NSPCC North West Community Network</p>	<p>North West Forum of People with Disabilities NUS/USI Northern Ireland Student Centre Northern Ireland MPs and MEPs Northern Ireland Political Parties Northern Ireland Spokespersons in House of Lords and House of Commons NIO Human Rights and Equality Unit OFREG Omagh Women's Area Network Parents Advice Centre PlayBoard POBAL Polish Association NI Presbyterian Church in Ireland PSNI The Rainbow Project Relate NI Rent Officer for Northern Ireland Royal National Institute for the Blind Royal National Institute for the Deaf Rural Community Network Rural Development Council Rural Support Sai Pak Chinese Community Association Save the Children Sense NI Shelter (Northern Ireland) Sikh Cultural Centre Simon Community (Northern Ireland) Social Economy Agency STEP (South Tyrone Empowerment Project) South West Belfast Community Forum Sperrin Lakeland Senior Citizens' Consortium Staff Commission for Education and Library Boards Training for Women Network Ltd Traveller Movement Northern Ireland Ulster Architectural Heritage Society Ulster People's College Ulster Scots Heritage Council ULTACH Trust UNISON Volunteer Development Agency West Belfast Economic Forum Women into Politics The Women's Centre Women's Forum Northern Ireland Women's Information Group Women's Resource and Development Agency Women's Support Network Workers Educational Association Youth Council for NI</p>
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Annex C

Confidentiality & Data Protection

Annex C

(i) Confidentiality & Data Protection

- i. The Department will publish its response following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Any automatic confidentiality disclaimer generated by your IT system will be taken to apply only to information in your response for which confidentiality has been specifically requested. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation. The Department will handle any personal data you provide appropriately in accordance with the Data Protection Act 1998.
- ii. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.
- iii. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:
 - *the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;*

- *the Department should not agree to hold information received from third parties “in confidence” which is not confidential in nature; and*
 - *acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner”.*
- iv.** For further information about confidentiality of responses please contact the Information Commissioner’s Office or see the website at www.informationcommissioner.gov.uk. For further information about this particular consultation please contact the consulting Branch as above.

Notes

