Number 21 *of* 1966

HOUSING ACT 1966

REVISED

Updated to 1 January 2024

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All Acts up to and including the *Electoral (Amendment) Act 2023* (40/2023), enacted 19 December 2023, and all statutory instruments up to and including *Income Tax (Employments) Regulations 2024* (S.I. No. 1 of 2024), made 4 January 2024, were considered in the preparation of this Revised Act.

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Number 21 *of* 1966.

HOUSING ACT 1966

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Local Registration of Title (Ireland) Act, 1891	1891, c. 66
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Housing (Amendment) Act, 1948	1948, No. 1
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Local Government (No. 2) Act, 1960	1960, No. 40
Housing (Loans and Grants) Act, 1962	1962, No. 27
Health Act, 1947	1947, No. 28
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Local Government Act, 1941	1941, No. 23
Registration of Deeds Act, 1707	1707, c. 2
Companies Act, 1963	1963, No. 33
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Housing (Gaeltacht) (Amendment) Act, 1959	1959, No. 16
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Acquisition of Land (Assessment of Compensation) Act, 1919	1919, c. 57
Property Values (Arbitrations and Appeals) Act, 1960	1960, No. 45
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Finance Act, 1895	1895, c. 16
Finance (No. 2) Act, 1947	1947, No. 33
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Stamp Act, 1891	1891, c. 39
Land Law (Ireland) Act, 1881	1881, c. 49
Local Government (Rates on Small Dwellings) Act, 1928	1928, No. 4
Public Assistance Act, 1939	1939, No. 27
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Working Classes Act, 1890	1890, c. 70
Housing (Ireland) Act, 1919	1919, c. 45
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Local Government (Ireland) Act, 1898	1898, c. 37
Local Government Act, 1946	1946, No. 24
Housing and Labourers Act, 1937	1937, No. 42
Land Reclamation Act, 1949	1949, No. 25
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Land Act, 1946	1946, No. 12
Housing (Amendment) Act, 1942	1942, No. 15
Labourers (Ireland) Act, 1906	1906, c. 37
Housing (Management and Letting) Regulations, 1950	1950, S.I. No. 47
Housing (Miscellaneous Provisions) Act, 1931	1931, No. 50
Housing (Financial and Miscellaneous Provisions) Act, 1932	1932, No. 19
Interpretation Act, 1937	1937, No. 38
Lands Clauses Consolidation Act, 1845	1845, c. 18
Housing (Amendment) Act, 1950	1950, No. 25

Number 21 *of* 1966.

HOUSING ACT 1966

REVISED

Updated to 1 January 2024

AN ACT TO MAKE PROVISION WITH RESPECT TO HOUSING (INCLUDING THE PROVISION OF LOANS AND GRANTS BY THE STATE AND BY LOCAL AUTHORITIES IN RELATION TO HOUSING), FOR THAT PURPOSE TO CONSOLIDATE WITH AMENDMENTS CERTAIN ENACTMENTS RELATING TO HOUSING, TO AMEND CERTAIN OTHER ENACTMENTS AND TO MAKE PROVISION WITH RESPECT TO OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [12*th July*, 1966.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary And General

Short title and commencement.

1.—(1) This Act may be cited as the Housing Act, 1966.

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

Interpretation.

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

"the Act of 1860" means the Landlord and Tenant Law Amendment Act, Ireland, 1860;

"the Act of 1891" means the Local Registration of Title (Ireland) Act, 1891;

"the Act of 1936" means the Labourers Act, 1936;

"the Act of 1948" means the Housing (Amendment) Act, 1948 (repealed by this Act);

"the Act of 1952" means the Housing (Amendment) Act, 1952 (repealed by this Act);

"the Act of 1960" means the Local Government (No. 2) Act, 1960;

"the Act of 1962" means the Housing (Loans and Grants) Act, 1962 (repealed by this Act);

F1**[**...**]**

"functions" includes powers and duties;

"health authority" has the same meaning as in the Health Act, 1947, as amended by section 9 of the Health Authorities Act, 1960;

"house", except in Part V of this Act, includes any outoffice, yard, garden or other land appurtenant thereto or usually enjoyed therewith and, except as aforesaid and in sections 15, 16 and 17 of this Act, includes any part of a building used or suitable for use as a dwelling and "housing" shall be construed accordingly;

F2**[**...**]**

"land", except in section 86 of this Act includes water and, in relation to the acquisition of land, includes any interest or right in or over land or water (including an interest or right granted by or held from the authority acquiring the land);

F3**[**"local authority" means a local authority for the purposes of the Local Government Act 2001 (as amended by the Local Government Reform Act 2014);**]**

"the Minister" means the Minister for Local Government;

F1**[**...**]**

"owner", except in Part V of this Act, in relation to any dwelling, house, building or other land means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the dwelling, house, building or other land, or where the dwelling, house, building or other land is not let at a rack rent, would be so entitled if it were so let;

"person", except in this section and in sections 15 and 34 of this Act, does not include a housing authority;

"prescribed" means prescribed by regulations made by the Minister;

"public utility society" means a society registered under the Industrial and Provident Societies Acts, 1893 to 1936, or a friendly society registered under the Friendly Societies Acts, 1896 to 1953, or a trade union registered under the Trade Union Acts, 1871 to 1952, whose objects include the erection of houses or a body which satisfies the Minister that its objects are wholly philanthropic and include the provision of houses;

"the registering authority" means the registering authority under the Act of 1891;

"Registry of Deeds" means the office established by the Registration of Deeds Act, 1707;

F4**[**"reserved function" means a reserved function for the purposes of the Local Government Act 2001 (as amended by the Local Government Reform Act 2014);**]**

F1**[**...**]**

"Small Dwellings Acquisition Acts" means the Small Dwellings Acquisition Acts, 1899 to 1962;

"state land" means land which is state land within the meaning of the Act of 1936 and which belongs to the State on the commencement of section 105 of this Act.

(2) Any approval or consent required by this Act to be given by the Minister may be given either generally or as respects a particular case and where the relevant provisions of this Act so admit, any such approval or consent may be confined to any particular class of matter or thing or to a particular area or an area of a particular class.

(3) Any reference in this Act to performance of functions includes, with respect to powers, a reference to exercise of powers.

(4) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

Service of notices, etc.

3.—(1) Where a notice, copy of an order, or demand is required or authorised by this Act or any order or regulation made thereunder to be served on, given to or made of a person, it shall be addressed to him and shall be served on, given to or made of him in some one of the following ways:

(*a*) where it is addressed to him by name, by delivering it to him;

(*b*) by leaving it at the address at which he ordinarily resides or, in a case in which an address for service has been furnished, at that address;

F5**[**(*c*) by sending it by post in a prepaid registered letter addressed to him at the address at which he ordinarily resides or, in a case in which an address for service has been furnished, at that address or, where such registered letter is returned undelivered to the sender, by ordinary prepaid post;**]**

(*d*) where the address at which he ordinarily resides cannot be ascertained by reasonable inquiry and the notice, copy or demand is so required or authorised to be served, given or made in respect of any land or premises or works thereon, by delivering it to some person over sixteen years of age resident or employed on such land or premises or by affixing it in a conspicuous position on or near such land or premises.

(2) Where a notice, copy of an order, or demand is required by this Act or any order or regulation made thereunder to be served on, given to, or made of an owner or occupier of any land or premises and the name of the owner or of the occupier, as the case may be, cannot be ascertained by reasonable inquiry, it may be addressed to "the owner" or "the occupier", as the case may require, without naming him.

(3) For the purposes of this section, a company within the meaning of the Companies Act, 1963, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

(4) Where a repairs notice, a notice mentioned in subsection (4) of section 66 of this Act, F6**[**a notice mentioned in *subsection (4)* of *section 117* of this Act or a notice mentioned in section 15 of the Housing (Miscellaneous Provisions) Act 2014,**]** is served on or given to a person by affixing it under paragraph (*d*) of subsection (1) of this section, a copy of the notice shall, within two weeks thereafter, be published in at least one newspaper circulating in the area in which the person is last known to have resided.

(5) A person who, at any time during the period of three months after a document is affixed under paragraph (*d*) of subsection (1) of this section, removes, damages or defaces the documentwithout lawful authority shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(6) Where the Minister is satisfied that reasonable grounds exist for dispensing with the publication, serving or giving under this Act or under any order or regulation made thereunder, of a notice, copy of an order, or demand and that dispensing with the publication, serving, giving or making of the notice, copy or demand will not cause injury or wrong, he may dispense with the publication, serving or giving of the notice or copy and every such dispensation shall have effect according to the tenor thereof.

(7) A dispensation under the foregoing subsection may be given either before or after the time when the notice or copy would, but for the dispensation, be required to be published, served or given and either before or after the doing of any act to which the notice or copy would, but for the dispensation, be a condition precedent.

F7**[**(8) In this section "notice" includes a tenancy warning under section 7, 8 or 9 of the Housing (Miscellaneous Provisions) Act 2014 and—

(i) references (however expressed) in this section to the serving of a notice on a person includes the serving of any such tenancy warning to a person under the said section 7, 8 or 9, as the case may be, and

(ii) *subsection (5)* shall apply to a tenancy warning affixed on or near the dwelling concerned in a manner prescribed under the said section 7(4), 8(3) or 9(3), as the case may be.**]**

Obligation to give information to housing authority.

4.—(1) A housing authority may for any purposes connected with this Act, by notice in writing require the occupier of any land or any person receiving, whether for himself or for another, rent out of any land to state in writing to the authority within a specified period ending not less than twenty-one days after being so required, particulars of the estate, interest or right by virtue of which he occupies such land or receives such rent, as the case may be, and the name and address (so far as they are known to him) of every person who to his knowledge has any estate or interest in or right over or in respect of such land.

(2) Any person who is required under this section to state any matter or thing and either fails to state the matter or thing within the period specified under this section, or when stating such matter or thing makes a statement in writing which to his knowledge is false or misleading in a material respect shall be guilty of an offence under the section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds.

Regulation generally.

5.—(1) The Minister may make regulations either for the purposes of any section of this Act which admits of being executed subject to regulations, or prescribing any matter referred to in this Act as prescribed.

(2) Every regulation made by the Minister under this Act other than section 114 shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the regulation is passed by either House within the next twenty-one days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

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

F8**[**(4) Regulations under the *Housing Acts, 1966 to 1992*, may be expressed to apply either generally or to specified housing authorities or areas or to housing authorities, areas, houses, tenancies, loans, mortgages, persons, households, works or other matters of a specified class or classes, denoted by reference to such matters as the Minister considers appropriate and different provisions of such regulations may be expressed to apply in relation to different housing authorities or areas or different classes of housing authorities, areas, houses, tenancies, loans, mortgages, persons, households, works or other matters.

(5) Regulations under the *Housing Acts, 1966 to 1992*, may make provision in relation to matters of procedure and administration including—

(*a*) the appointment by the Minister of a housing authority to discharge specified functions relating to the making of a grant, subsidy or assistance by the Minister under the *Housing Acts, 1966 to 1992*, as respects their functional area and the functional area of such other housing authority as the Minister may specify;

(*b*) the charging of expenses incurred by a housing authority by virtue of *paragraph (a)*;

(*c*) a requirement that the Minister or the housing authority, as the case may be, shall be furnished with prescribed particulars relating to the tax affairs of—

(i) a person making application for a grant, loan, subsidy, contribution or other assistance under the *Housing Acts, 1966 to 1992*, and

(ii) any person employed or proposed to be employed to carry out any construction works to which the said application relates.**]**

Repeals.

6.—(1) The enactments mentioned in the First Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Notwithstanding subsection (1) of this section, grants under any enactment repealed by that subsection may be made in respect of works commenced before the repeal of the enactment.

(3) Where, as respects the provision or reconstruction of a house or the execution of works (including the provision and installation of a private water supply and private sewerage facilities), a grant is made under an enactment repealed by this Act and but for subsection (1) of this section an enactment providing for—

(*a*) the reduction of the rateable valuation of a tenement for rating purposes,

(*b*) the non-increase of the rateable valuation of a tenement within a stated period,

would have applied, such enactment shall, as respects the tenement, continue to apply as if this Act had not been enacted.

(4) In this section, "rating purposes" has the same meaning as in section 33 of this Act.

PART II

Financial Provisions

Chapter I

Expenses under Act

Expenses of administration of Minister.

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

Charging of expenses of housing authority who are county council.

8.—F9**[**...**]**

Payment of expenses under section 111 of Act.

9.—(1) The expenses incurred in the performance under section 111 of this Act of a function of a housing authority to the extent certified by the Minister to be properly payable by the authority, shall on demand be paid to the Minister, the housing authority or other person by whom the expenses were incurred and shall be recoverable by the person or authority making the demand as a simple contract debt in any court of competent jurisdiction.

(2) Where a sum is due to a housing authority by the Minister and, at the same time, expenses are recoverable under this section by the Minister from the authority,

the sum may be set off against the expenses either, as may be appropriate, in whole or in part.

Power to set off.

10.—Where a sum is due under this Act to any person by a housing authority and, at the same time, another sum is due from that person to the authority, the former sum may be set off against the latter either, as may be appropriate, in whole or in part.

Chapter II

Assistance of Certain Research, Training and Bodies

Assistance by Minister of certain research and training.

11.—(1) The Minister may, with the consent of the Minister for Finance, make out of moneys provided by the Oireachtas, a grant or a loan on such terms and conditions as may be determined by the Minister, to any of the following:

(*a*) F10**[**...**]**

(*b*) a person engaged, at the request of or with the concurrence of the Minister, in research in relation to housing.

(2) F10**[**...**]**

Assistance by housing authority of certain bodies.

12.—F11**[**...**]**

Chapter III

Housing Loans and Grants, etc.

Definition for purposes of Chapter III of Part II.

13.—F12**[**...**]**

Regulations for purposes of sections in Chapter III of Part II.

14.—F13**[**...**]**

Grants by Minister for provision of houses.

15.—F14**[**...**]**

Grants by Minister for provision of houses for farmers and others.

16.—F15**[**...**]**

Grants by Minister for provision of second houses on transfer of certain holdings.

17.—F16**[**...**]**

Grants by Minister for erection of flats or maisonettes.

18.—F17**[**...**]**

Grants by Minister for housing of elderly persons and others.

19.—F18**[**...**]**

Grants by Minister for provision of prototype houses.

20.—F19**[**...**]**

Grants by Minister to persons for reconstruction of houses.

21.—F20**[**...**]**

Further grants by Minister for reconstruction of houses.

22.—F21**[**...**]**

Grants by Minister for essential repairs.

23.—F22**[**...**]**

Grants by Minister to housing authority for improvement of houses.

24.—F23**[**...**]**

Grants by Minister to housing authority in respect of works executed in pursuance of section 69 of Act.

25.—F24**[**...**]**

Supplementary grants by housing authority to persons for provision of houses.

26.—F25**[**...**]**

Supplementary grants by housing authority for erection of flats or maisonettes.

27.—F26**[...]**

Supplementary grants by housing authority to bodies for provision of houses for elderly persons and for other purposes.

28.—F27**[...]**

Supplementary grants by housing authority for reconstruction of houses.

29.—F28**[...]**

Supplementary grants and other assistance by housing authority for essential repairs.

30.—F29**[...]**

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

31.—F30**[...]**

Grants by certain housing authorities for accommodation for person suffering from pulmonary tuberculosis.

32.—F31**[...]**

Modification and restriction on increase of rateable valuation in certain cases.

33.—F32**[...]**

Repayment of grant to Minister or housing authority on breach of undertaking.

34.—(1) Where the Minister or a housing authority has or have paid to any person or body a grant under this Part of this Act or an instalment of a grant, and in accordance with regulations applying in respect of the grant or as a condition of receiving the grant, the person or body, as the case may be, has given an undertaking to the Minister or the authority and the undertaking has not been complied with, the following provisions shall have effect:

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

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

(2) Where a sum is due to a housing authority by the Minister and, at the same time, the authority is liable under this section to repay an amount to the Minister, the sum may be set off against the amount either, as may be appropriate, in whole or in part.

Withholding or reduction in amount of grant.

35.—(1) Where, in the opinion of the Minister or a housing authority, as the case may be, a condition subject to which a grant under this Part of this Act has been allocated or a regulation applying in relation to the grant has not been complied with, the Minister or housing authority may withhold the grant or reduce the amount thereof by such sum as he or they consider appropriate.

(2) F33**[**...**]**

Making of grant to successor of deceased applicant.

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

Restriction of local Acts and other provisions.

37.—F34**[**...**]**

Making of grants by Minister notwithstanding non-compliance with statute or statutory instrument.

38.—The Minister may, with the consent of the Minister for Finance, make a grant under this Act notwithstanding that a requirement of a statute or a statutory instrument has not been complied with in relation to the grant if a certificate of approval in respect of the relevant premises has been issued by an officer of the Minister and the Minister is satisfied that the applicant for the grant has acted in good faith in proceeding to erect, purchase, reconstruct, improve, convert or repair the premises.

Loans by housing authority for acquisition or construction of houses.

39.—F35**[**...**]**

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

40.—F36**[**...**]**

Sale by Land Commission of land subject to charge in favour of housing authority.

41.—Where land is offered for sale by the Irish Land Commission under any statutory power in that behalf vested in them, and—

(*a*) there is for the time being in force in relation to the land an instrument vesting an interest in the land in a housing authority for the purposes of securing a loan under this Chapter, or

(*b*) such land is subject to a charge in favour of the housing authority to secure a loan under this Chapter,

the land shall be sold subject to the instrument or charge and to the relevant provisions of this Chapter and any regulations under section 39 of this Act in addition to any charge, incumbrance or liability subject to which the land is, apart from this subsection, required by law to be sold.

Schemes for guarantees.

42.—F37**[...]**

Guarantee of advances to builders.

43.—F38**[...]**

Chapter IV

Contributions by Minister to Certain Annual Loan Charges

Contributions by Minister to certain annual loan charges of housing authorities.

44.—F39**[...]**

Contributions by Minister in respect of certain borrowings by bodies providing dwellings or sites for building purposes.

45.—(1) Subject to subsection (2) of this section and to such regulations as may be made by the Minister for the purposes of this section, the Minister may, with the consent of the Minister for Finance, from time to time make, out of moneys provided by the Oireachtas, during such period not exceeding fifty years as the Minister may determine, a contribution towards the annual loan charges incurred by a body approved by the Minister for the purposes of this section in respect of money borrowed by them for the provision of dwellings or sites for building purposes to which this section applies.

(2) This section applies to dwellings and sites for building purposes in relation to which the Minister is unable to make a contribution by reason only of the fact that the dwellings or sites were provided other than by a housing authority.

(3) A contribution to annual loan charges made under this section shall not exceed in amount the maximum amount of the contribution which could be made by the Minister under section 44 of this Act if the dwellings or sites to which the contribution relates had been provided by a housing authority.

(4) Every contribution to annual loan charges under this section may be made by the Minister either direct to the body or on their behalf to the person from whom was borrowed the money in respect of which such loan charges were incurred.

Withholding or reduction in amount of contributions.

46.—If at any time the Minister is satisfied that a body approved by him for the purposes of section 45 of this Act or a housing authority has or have failed to observe any conditions subject to which a contribution towards annual loan charges is made under or by virtue of this Chapter, the Minister may reduce the amount of any such contribution, or suspend or discontinue its payment, as he thinks proper.

Payment by Minister in lieu of contributions to annual loan charges.

47.—(1) Where the Minister is entitled to make, but has not made, a contribution under this Chapter towards annual loan charges incurred in respect of money borrowed by a housing authority or by a body approved by the Minister for the purposes of section 45 of this Act, the Minister may, if he thinks fit, with the consent of the Minister for Finance, and subject to such conditions (including conditions requiring the giving of an undertaking) as the Minister thinks fit, in lieu of making the contribution pay to the borrower or to the person from whom the money was borrowed a sum of such amount as may be determined by the Minister but not exceeding the maximum contribution which the Minister is so entitled to make.

(2) Where a contribution has been made by the Minister under or by virtue of this Chapter towards the annual loan charges incurred in respect of money borrowed by a housing authority or by a body approved by the Minister for the purposes of the said section 45, the Minister may, if he thinks fit, at any time, with the consent of

the Minister for Finance, and subject to such conditions (including conditions requiring the giving of an undertaking) as the Minister thinks fit, in lieu of making the further contributions, pay to the borrower or to the person from whom the money was borrowed a sum determined by the Minister to be equal to the capital value of the further contributions.

(3) Where the Minister has made a payment under this section and, as a condition of making the payment, has been given an undertaking which has not been complied with, the following provisions shall have effect:

(*a*) the authority or body shall be liable to repay to the Minister the amount of the payment; and

(*b*) the amount may be recovered by the Minister from the authority or body as a simple contract debt in any court of competent jurisdiction.

(4) Where a sum is due to a housing authority by the Minister and, at the same time, the authority is liable under subsection (3) of this section to repay an amount to the Minister, the sum may be set off against the amount either, as may be appropriate, in whole or in part.

(5) In this section, the "further contributions" means the contributions or contribution towards the annual loan charges incurred by a housing authority or by a body approved by the Minister for the purposes of the said section 45 in respect of borrowed money which, but for the making by the Minister of a payment in accordance with the provisions of subsection (2) of this section, would fall to be made by him under or by virtue of this Chapter.

Subsidy by Minister in respect of certain loan charges.

48.—F40**[**...**]**

Chapter V

Displacement Allowances

Power of housing authority to make allowances to certain persons displaced.

49.—(1) A housing authority may pay to any person displaced from premises by reason of—

(*a*) the acquisition by the authority of the premises for the purposes of this Act, or

(*b*) the service of a repairs notice, or the making of a closing order or a demolition order, or

(*c*) the carrying out of an undertaking which has been accepted under subsection (5) or (8) of section 66 of this Act by an authority,

such reasonable allowance as the authority think fit towards the expenses incurred by him in moving from the premises to other premises.

(2) In case a housing authority are of the opinion that a person to whom this subsection applies has suffered or will suffer hardship by reason of the displacement, the authority may, with the consent of the Minister, pay to him (in addition to an allowance under subsection (1) of this section) such reasonable allowance as they think fit towards—

(*a*) in case the person carries on any trade or business in the premises from which he is displaced—the loss which, in their opinion, the person will sustain by reason of the disturbance of his trade or business consequent upon his displacement, and

(*b*) in any other case—the loss which, in their opinion, the person will sustain by reason of his displacement.

(3) Subsection (2) of this section applies to a person mentioned in subsection (1) of this section who carries on any trade or business in the premises from which he is displaced, or who ordinarily resides in such premises for not less than six months prior to the displacement.

(4) In estimating the loss mentioned in paragraph (*a*) of subsection (2) of this section the housing authority shall have regard to the period for which the premises occupied by the person might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

Chapter VI

Stamp Duties

Remission of stamp duties on certain agreements, etc.

50.—No stamp duty shall be payable on any agreement, deed, or other instrument relating to a letting of a dwelling mentioned in subsection (3) of section 58 of this Act on a tenancy for a month or a less period than a month.

Amendment of section 12 of Finance Act, 1895.

51.—F41**[**...**]**

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

52.—F42**[**...**]**

PART III

Provision and Management of Dwellings

Duty of housing authority to make inspection and to assess adequacy of supply and condition of housing.

53.—F43**[**...**]**

Review by housing authority of cost of housing services.

54.—F44**[**...**]**

Building programmes.

55.—F45**[**...**]**

Provision of dwellings.

56.— F46**[**...**]**

Power of housing authority to provide building sites.

57.—A housing authority may provide sites for building purposes on land acquired or appropriated by them for purposes of this Act and in connection with the provision of such sites may construct roads and lay out open spaces on the land and provide such other services and carry out such other works as may be necessary for or incidental to the development of the land for building purposes, including works or services necessary for or incidental to the development of the land for places of worship, factories, schools, shops, offices, playgrounds, places of recreation, parks and open spaces.

Management and control of certain dwellings and of any ancillary amenities, works or services provided in connection therewith.

58.—(1) Subject to the following provisions of this section and to such regulations as may be made by the Minister for the purposes of this section, the management and control of any dwelling, building or other land of which a housing authority are the owner and of any works or services, provided by the authority under this Act, shall be vested in and exercised by the authority.

F47**[**(1A) The management and control of the common areas appurtenant to a dwelling and provided by a housing authority under this Act are not required to be vested in the housing authority under subsection (1) of this section.

(1B) A housing authority may perform management and control functions vested in it under subsection (1) of this section in respect of any dwelling of which the housing authority is not the owner and which is provided under a contract or lease between the housing authority and the owner of the dwelling.**]**

(2) A housing authority may reconstruct, enlarge or improve any dwelling or other building of which they are the owner.

(3) Subject to the said regulations, a housing authority may as respects a dwelling provided under this Act of which they are the owner charge such rent or other payment for the tenancy or occupation thereof as they may determine from time to time and as respects any buildings or other land or works or services provided under this Act the authority may make such charge, whether by way of rent or otherwise, as they shall think fit.

F47**[**(3A) Without prejudice to the generality of subsection (3) of this section, charges made under that subsection may include—

(*a*) charges relating to the provision of services to, and the insurance of, a dwelling and other charges relating to the management and control of the dwelling, or

(*b*) any other charges that may be prescribed under this section in relation to:

(i) the management and control of common areas appurtenant to a dwelling, where those common areas are also used by the occupants of other dwellings;

(ii) the provision of services where those services are also provided to the occupants of other dwellings.

(3B) A housing authority may make such charge under subsection (3) of this section, whether by way of rent or otherwise, as it considers appropriate, in respect of any dwelling of which the housing authority is not the owner and which is provided under a contract or lease between the housing authority and the owner of the dwelling.**]**

(4) Without prejudice to the generality of subsection (1) of this section, regulations made by the Minister for the purposes of this section may provide for all or any of the following matters:

(a) the maximum number of persons who shall be permitted to occupy dwellings to which the regulations apply on any letting;

(b) the terms and conditions to be included in any agreement under which any person is permitted to occupy or use such dwellings;

(c) matters to which a housing authority shall have regard in determining rents;

(d) such other matters as the Minister may consider necessary or expedient for the purpose of securing the proper and efficient management of such dwellings.

(5) The Land Law (Ireland) Act, 1881, shall not apply as respects the letting by a housing authority of an allotment provided under section 56 of this Act, and such letting shall, unless a provision to the contrary is contained in a letting agreement, be deemed to be a letting for temporary convenience and determinable at the end of any month.

Amendment of section 1 of Local Government (Rates on Small Dwellings) Act, 1928.

59.—F49**[...]**

Duty of housing authority to make scheme of priorities for letting housing accommodation.

60.—F50**[...]**

Requiring information from tenants and persons applying for tenancies.

61.—(1) A housing authority may, for the purposes of enabling them to determine the rent that shall be payable by a person to whom they have let or who has applied to have let to him a dwelling provided under this Act, require the person to furnish to the authority, within a specified period ending not less than fourteen days after being so required, particulars in writing of the following matters:

(*a*) the number of members of the person's family residing with him, together with their ages, sex, occupations and conditions of health;

(*b*) the weekly income of the person and of each of the members of his family residing with him;

(*c*) any assistance, benefit or allowance received by or on behalf of the person or a member of his family residing with him from state funds or under the F51**[**Social Welfare (Supplementary Welfare Allowances) Act, 1975 (No. 28 of 1975)**]**, the Health Acts, 1947 to 1960, or from any other source whatsoever;

(*d*) the means of transport available to bring such person and the members of his family residing with him to their places of work, or in the case of children, to school and the cost of such transport;

(*e*) the terms upon which premises are occupied by him, the amount of rent payable in respect of such premises and the name and address of the person to whom such rent is payable.

(2) Any person who is required under this section to state any matter or thing and either fails to state the matter or thing within the period specified under this section, or when stating such matter or thing, makes a statement in writing which to his knowledge is false or misleading in a material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds.

Recovery of possession of dwellings and other buildings.

62.—F53**[...]**

PART IV

Overcrowded and Unfit Houses

Definition of "overcrowding".

63.—A house shall for the purposes of this Act be deemed to be overcrowded at any time when the number of persons ordinarily sleeping in the house and the number of rooms therein either—

(*a*) are such that any two of those persons, being persons of ten years of age or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same room, or

(*b*) are such that the free air space in any room used as a sleeping apartment, for any person is less than four hundred cubic feet (the height of the room, if it exceeds eight feet, being taken to be eight feet, for the purpose of calculating free air space),

and "overcrowding" shall be construed accordingly.

Obligation to give particulars relating to a house.

64.—(1) A housing authority may for the purposes of this Part of this Act by notice in writing require the owner or occupier of a house to state in writing to the authority, within a period specified in the notice, being not less than fourteen days beginning on the date of the notice, the following particulars:

(*a*) the total number and the dimensions of the rooms in the house;

(*b*) the purpose for which each such room is currently used;

(*c*) the number of occupants in the house on a date specified in the notice;

(*d*) the sanitary and cooking facilities available to such occupants; and

(*e*) such other particulars relating to the house as the authority may specify in the notice.

(2) Any person who is required by a notice under this section to state in writing any matter or thing to a housing authority and either fails to state such matter or thing within the period specified in the notice or, when so stating such matter or thing, makes any statement which to his knowledge is false or misleading in a material respect, shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding twenty-five pounds.

Overcrowded houses.

65.—(1) A housing authority may, if they think fit, serve on the owner of a house a notice in writing specifying the maximum number and categories of persons, by whom, having regard to section 63 of this Act, the house or any room therein may at any time be occupied without causing overcrowding, and the authority may, as respects any notice served under this section, require the owner on whom it is served to publish, in such manner as the authority may specify, the contents of the notice.

(2) Where the owner of a house is causing or permitting the house to be overcrowded, the housing authority may, if they think fit, serve on such owner a notice in writing requiring him to desist from causing or permitting such overcrowding and specifying the period, being not less than twenty-one days beginning on the date of the notice, within which, or the event after the occurrence of which, the requirements of the notice are to be complied with.

(3) Any person who neglects or refuses to comply with a requirement of a housing authority to publish the contents of a notice under subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty-five pounds.

(4) Where a notice has been served under subsection (2) of this section and the person on whom the notice has been served, at any time after the expiration of the period or the occurrence of the event specified in the notice, causes or permits the house to which the notice relates to be overcrowded, he shall, subject to subsection (5) of this section, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

(5) Where a house which would not otherwise be overcrowded becomes overcrowded by reason of the increase in the age or in the number of children of the person by whom the house is occupied, the owner of the house shall not be guilty of an offence under subsection (4) of this section.

(6) Notwithstanding subsection (1) of section 121 of this Act, on the commencement of this section bye-laws made under section 62 of the Housing of the Working Classes Act, 1890, or section 20 of the Housing (Ireland) Act, 1919, shall, in so far as they relate to overcrowding, cease to have effect.

Unfit houses.

66.—(1) Where a housing authority are of opinion that a house is unfit for human habitation in any respect, the authority shall, unless they are also of opinion that the house is not capable of being rendered so fit in such respect at a reasonable expense, serve on the owner of the house and, in so far as it is reasonably practicable to ascertain such person, on any other person having an interest in the house whether as mortgagee, tenant or otherwise, a notice in writing (in this Act referred to as a repairs notice) specifying the matters in respect of which it is alleged that the house is unfit for human habitation and requiring the owner to execute, within a period specified in the notice, being not less than twenty-eight days beginning on the date of the notice, such works as may be necessary to make the house, as respects the matters specified in the notice, fit for human habitation, and in particular, a repairs notice may, if the authority think fit, specify the works which are, in the opinion of the authority, necessary to make the house so fit for human habitation or to prevent the structure of the house deteriorating, and such owner, his servants or agents shall carry out the works necessary to comply with the requirements of the notice and may, for that purpose, enter on any land.

(2) The housing authority in considering whether a house is unfit for human habitation shall have regard to the extent (if any) to which the house is deficient as respects each of the matters set out in the Second Schedule to this Act.

(3) The housing authority shall, in determining for the purposes of this section whether a house is in any respect capable of being rendered fit for human habitation at a reasonable expense, have regard to the estimated cost of, and the increase in the value of the house which the authority estimate will be attributable to, rendering the house so fit.

(4) Where the housing authority are of opinion that a house is unfit for human habitation in any respect and is not capable of being rendered so fit in such respect at a reasonable expense, they shall serve upon the owner of the house and, in so far as it is reasonably practicable to ascertain such persons, on any other person having an interest in the house, whether as mortgagee, tenant or otherwise, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future use of the house, which the owner may wish to submit will be considered by the authority, and every such person shall be entitled to be heard when the matter is so considered.

(5) Where a housing authority have served a notice under subsection (4) of this section, they may, if they think fit, after consultation with the owner of or any person having an interest in the house to which the notice relates, accept an undertaking from him, either that he will within a period specified in the undertaking carry out such works as will, in the opinion of the authority, render the house fit for human habitation, or that the house shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for the purpose, cancel the undertaking.

(6) In case no undertaking is accepted under subsection (5) of this section by the housing authority, or in case an undertaking has been accepted and any work to which the undertaking relates is not carried out within the period specified in the undertaking, or in case the house is at any time used in contravention of the terms of the undertaking, the authority shall forthwith make one of the following:

(*a*) an order (in this Act referred to as a closing order) prohibiting the use of the house or any part of the house, for any purpose specified by the housing authority in the order; or

(*b*) an order (in this Act referred to as a demolition order) requiring, in case an undertaking is so accepted, the person giving the undertaking, or, in any other case, the owner of the house, to do the following:

(i) within a period specified in the order, being not less than twenty-eight days beginning on the date of the order, to vacate the house or cause the same to be vacated and upon such vacation, to secure the house against re-occupation; and

(ii) within six weeks after the expiration of the period so specified, or if the house is not vacated within such period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the particular circumstances the housing authority consider reasonable to specify, to demolish the house and clear and level the site thereof and remove any debris therefrom and, if the authority think fit, to erect a wall or barrier between any open road, street or public place,and any person, his servants or agents, may, for the purpose of complying with the requirements of the demolition order, enter on any land.

(7) A demolition order may, as respects any works the execution of which is necessary for compliance with the requirements of the order, require that the works be carried out in accordance with such conditions F54**[**(including conditions requiring the taking of such reasonable steps as will ensure that the works, either while being carried out or when completed, will neither cause injury to any adjoining or adjacent building nor interfere with the stability thereof)**]**, if any, specified in the order as the authority think appropriate and in such manner as may be specified in the order.

(8) Where a housing authority have made a demolition order in respect of a house, the authority may, if they think fit, accept from the owner or from any other person having an interest in the house, an undertaking that the house or any part thereof shall thenceforth be used solely for a purpose other than human habitation and specified in the undertaking.

(9) In case a housing authority accept an undertaking under subsection (8) of this section, the following provisions shall apply:

(*a*) the authority shall, as respects the house or part thereof to which the undertaking relates, thereupon make a closing order under subsection (6) of this section;

(*b*) upon the making of the closing order the demolition order mentioned in the said subsection (8) shall—

(i) in case it is already operative, cease to be operative,

(ii) in case it has not become operative, remain inoperative,

for so long as, but only for as long as, the closing order remains operative; and

(*c*) if the house or any part thereof is at any time used in contravention of the terms of the undertaking, the authority shall, notwithstanding subsection (10) of this section, forthwith determine the closing order.

(10) Where a housing authority have made a closing order in respect of a house, the authority may, at any time not less than six months after the making of the order, determine the order and make a demolition order in respect of the house.

(11) Where a housing authority are satisfied that the premises to which a closing order relates or part of such premises have or has been rendered fit for human habitation—

(*a*) in case the authority are so satisfied as respects such premises, they shall determine the order, or

(*b*) in case the authority are so satisfied as respects part of such premises, they may, if they think fit, determine the order in so far as it relates to that part,

and notwithstanding paragraph (*b*) of subsection (9) of this section, a demolition order shall not become operative by reason only of the fact that the authority have determined a closing order under this subsection.

(12) A housing authority shall, as soon as may be after making a closing order or demolition order or determining a closing order either in whole or in part, serve a copy of the order or notice in writing of the determination on the owner of the house, and, in so far as it is reasonably practicable to ascertain such person, on any other person having an interest in the house.

(13) For the purposes of this Part of this Act, a repairs notice, demolition order or closing order shall become operative;

(*a*) in case an appeal is made under section 72 of this Act against the notice or order and the court, on such appeal, confirms the notice or order with or without modifications, alterations or additions—on the determination of the appeal by the court or on such other date as the court may decide,

(*b*) in any other case—on the expiration of the period ending twenty-one days after the date of the service of the notice or the copy of the order.

(14) Whenever a demolition order has become operative, the housing authority shall serve on the occupier of the house to which the order relates a notice in writing stating the effect of the order and specifying the date by which the order requires the house to be vacated and requiring him to quit the house before the said date or before the expiration of twenty-eight days from the service of the notice, whichever is the later, and if at any time after the date on which the notice requires the house to be vacated any person is in occupation of the house, or of any part thereof, the authority or the owner of the house may apply to the justice of the District Court having jurisdiction in the district court district in which the house is situate for the issue of a warrant under this section.

(15) Upon hearing an application duly made under subsection (14) of this section, the justice of the District Court hearing the application shall, in case he is satisfied that the notice required by this section has been duly given and the requirement of the notice has not been complied with, issue the warrant.

(16) The provisions of sections 86, 87 and 88 of the Act of 1860 shall apply in respect of the issue of a warrant under this section and the warrant when so issued shall have the same effect as a warrant under the said section 86.

(17) Nothing in the Landlord and Tenant Acts, 1931 and 1958, or the Rent Restrictions Act, 1960, shall, as respects premises to which a F55**[**...**]** closing order, demolition order or undertaking accepted under this section relates, prevent—

(*a*) the owner of the premises,

(*b*) the person from whom the undertaking was accepted, or

(*c*) the housing authority,

from obtaining possession of the said premises.

Housing authority may affix notice of serving repairs notice, making closing order or demolition order or accepting undertaking.

67.—(1) Whenever a repairs notice, a closing order or a demolition order has become operative or a housing authority have accepted an undertaking under subsection (5) or (8) of section 66 of this Act, the authority may affix to or near the premises to which the notice, order or undertaking relates, a notice complying with the requirements of subsection (2) of this section.

(2) A notice affixed under the foregoing subsection shall, state that the repairs notice, closing order or demolition order has become operative or that the undertaking has been accepted by the housing authority, as the case may be, specify the premises to which the order or undertaking relates and state the penalties which may be imposed under subsection (1) or (2) of section 68 of this Act in respect of the use or permitted use of the premises in contravention of the said section 68, together with the substance of subsection (3) of this section.

(3) A person who defaces a notice affixed under this section, or who, without lawful authority, removes the notice, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty-five pounds.

Restriction on user of premises to which repairs notice, closing order, demolition order or undertaking applies.

68.—(1) Any person who, knowing that a repairs notice has been served and applies to a house and that the notice has not been complied with, uses the house for human habitation at a time immediately before which the house was vacant, or permits it to be so used, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds, or, at the discretion of the court, to a term of imprisonment not exceeding one month or to both such fine and imprisonment.

(2) Any person who, knowing that a closing order or a demolition order has become operative and applies to a premises, or that an undertaking has been accepted under this Part of this Act that premises shall not be used or shall be used only for certain purposes specified in the undertaking, uses the premises in contravention of the terms of the order or undertaking, or permits them to be so used, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds or, at the discretion of the court, to a term of imprisonment not exceeding one month or to both such fine and imprisonment.

(3) Where—

(*a*) a person has been convicted of an offence under subsection (1) of this section in relation to a repairs notice or under subsection (2) of this section in relation to a closing order, a demolition order or an undertaking,

(*b*) after the date of the conviction the person, in case he has been convicted under subsection (1) of this section, uses or permits to be used for human habitation premises to which the notice relates, or in case he has been convicted under subsection (2) of this section, uses or permits to be used premises to which the order or undertaking relates in contravention of the terms of the order or the undertaking,

(*c*) at the time of such user the notice has not been complied with or the order or undertaking is, as respects the premises so used or permitted to be so used, still in force,

the person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

(4) An offence under subsection (3) of this section shall be a continuing offence and accordingly fresh proceedings in respect thereof may be taken from time to time.

(5) In any proceedings under this section against a person for permitting the use for human habitation of premises to which a repairs notice, a closing order, a demolition order or an undertaking applies, it shall be presumed that the person permitted such use unless, without prejudice to any other defence, he shows that he did not receive, directly or indirectly, any payment or other valuable consideration in respect of the use and that he took appropriate action to terminate the use.

(6) Where a closing order or demolition order has become operative in respect of premises or an undertaking has been accepted as aforesaid that a premises shall not be used for certain purposes specified in the undertaking, it shall not be lawful for any person to require the payment of any sum or the giving of any valuable consideration in respect of the use of the premises in contravention of the terms of the order or undertaking, and where such payment or consideration is made or given in respect of any such use the amount or value thereof may be recovered as a simple contract debt in any court of competent jurisdiction.

Enforcement of repairs notice or demolition order.

69.—(1) If the requirements of a repairs notice or demolition order have not been complied with in any respect, then, after the expiration of the period for compliance specified in the notice or order, or if an appeal has been made under section 72 of this Act against the notice or order and upon the appeal the notice or order has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal or of such longer period as the court may in determining the appeal allow, the following provisions shall apply:

(*a*) the owner of the house to which the notice or order relates shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred pounds, and

(*b*) the housing authority may do anything required to be done by the notice or order, or by the notice or order as varied by the court, and for that purpose the authority, their servants or agents may enter any land.

(2) Where a housing authority are about to enter a house for the purpose of doing any works under subsection (1) of this section, the authority may give notice of their intention to do so to the owner of the house and, at their discretion, to any other person having an interest in the house whether as mortgagee, tenant or otherwise, and if at any time after the expiration of seven days from the service upon him of such notice and whilst any workman or contractor employed by the authority is carrying out works in the house any person upon whom the notice was served or any workman employed by him, or by any contractor employed by him, is in the house for the purpose of carrying out any works, the person upon whom the notice was served shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty-five pounds, unless he proves to the satisfaction of the court before which he is charged that there was urgent necessity to carry out the said works in order to obviate danger to occupants of the house.

Bye-laws in relation to rented houses.

70.—F56**[...]**

Recovery of expenses of repair and demolition, etc.

71.—(1) Where any expenses have been incurred by a housing authority under subsection (14) of section 66, section 69 or section 70 of this Act in relation to a house, the authority may make a demand in writing of the owner of the house for payment thereof and if after the expiration of fourteen days from the date of the demand, the expenses or any part thereof have not been paid or an offer by the owner to pay the expenses in instalments or otherwise has not been accepted by the authority, the amount which is unpaid together with interest, at the rate of interest at which the authority can, on the date when the demand is made, borrow from the local loans fund, may, without prejudice to any other method of recovery, be recovered either in whole or in part by the authority in one or more of the following ways:

(*a*) by the sale by the authority of any materials resulting from any works carried out by the authority in relation to the house and the retention by them of so much of the proceeds of the sale as is equal to the amount of such expenses, with interest;

(*b*) by requiring the occupier of the house (whether the occupation commenced before or after any of the expenses were incurred by the authority) to pay to the authority any rent or payment in lieu of rent then due or thereafter to become due by him until the amount of the expenses with any interest due thereon is paid to the authority, or in case the house is or becomes vacant, by letting the same, until the said amount is so paid, on such terms and conditions as the authority think fit, provided that the authority shall serve on the owner of the house not less than twenty-one days' notice either, as may be appropriate, of their intention to require the occupier to pay to them any rent or other payment so due, or of the terms and conditions upon which they propose so to let the house or of any variation which they propose to make in such terms and conditions;

(*c*) by making an order (in this section referred to as a charging order) charging the house and, at the discretion of the housing authority, all other premises held therewith by the same tenure or under the same tenancy, with the amount of the expenses, with interest thereon;

(*d*) by recovery from the owner of the house or the person receiving the rent of the house as a simple contract debt in a court of competent jurisdiction, provided that, if the person proves that he is receiving the rent merely as an agent or trustee for some other person, and has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority, his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

(2) Any surplus moneys arising on a sale pursuant to paragraph (*a*) of subsection (1) of this section shall be paid by the housing authority to the owner of the house, or if there is more than one owner, to each such owner in such proportions as the owners may agree, or (in default of agreement) as the justice of the District Court, having jurisdiction in the district court district in which the house is situate may, on the application of any such owner, determine.

(3) The service of a notice under paragraph (*b*) of the said subsection (1) upon an owner shall operate to transfer to the housing authority the exclusive right to recover, receive and give a discharge for the rent or other payment payable by virtue of the said subsection (1) to the authority and if at any time during the period when the rent or other payment is so receivable by the authority, the owner, after being requested by the authority, refuses to execute as respects the house any maintenance or other works for which he as owner is liable, the authority may execute the works and any expenses incurred by the authority in executing the works shall be recoverable by the authority in like manner as if such expenses were expenses incurred by the authority under the said subsection (14) of section 66, the said section 69 or the said section 70 in relation to the house.

(4) A charging order shall be deemed to be a F57**[**legal mortgage under Part 10 of the Land and Conveyancing Law Reform Act 2009**]**, and the housing authority shall be the mortgagees for the purposes of F58**[**that Act**]** and shall accordingly have, in relation to every charging order, all the powers conferred by F58**[**that Act**]** on mortgagees under mortgages made by deed.

(5) Wherever a housing authority make a charging order they shall, as soon as practicable thereafter, cause the order to be registered in the Registry of Deeds or by the registering authority, as the case may require.

(6) A charging order affecting land registered by the registering authority shall be registerable by that authority as a burden affecting such land whether the person named in such order as the owner or the occupier of the land is or is not registered by the said authority as the owner of such land.

(7) Where—

(*a*) land is offered for sale by the Irish Land Commission under any statutory power in that behalf vested in them, and

(*b*) such land is subject to a charging order,

the land shall be sold subject to the charge created by the order in addition to any other charge, encumbrance, or liability subject to which such land is, apart from this subsection, required by law to be sold.

(8) In calculating expenses described in this section, any costs incidental to the recovery of the amount due, including costs in relation to proceedings in the District Court or in relation to the registration of a charging order in the Registry of Deeds or by the registering authority, shall be included by the housing authority, and the amount of a grant made under any enactment (including this Act) in respect of works to which the expenses relate, together with, if the housing authority think fit, the amount of any supplementary grant which could be made by the housing authority in respect of the works, shall be deducted by the housing authority.

Appeals.

72.—(1) Any person aggrieved by—

(*a*) a repairs notice, a closing order, a demolition order, or a refusal to determine a closing order,

(*b*) a charging order under paragraph (*c*) of subsection (1) of section 71 of this Act,

(*c*) a demand for the recovery of expenses incurred by a housing authority in doing anything required to be done by a repairs notice or a demolition order,

(*d*) a requirement that a rent or a payment in lieu of rent be paid to a housing authority, a notice or a letting under or by virtue of paragraph (*b*) of subsection (1) of section 71 of this Act,

may, within the period ending twenty-one days after the date of the service of the notice or copy of the order, the making of the demand, or after the refusal, as the case may be, appeal to the Circuit Court;

Provided that—

(i) on an appeal in relation to a demand for the recovery of expenses incurred by a housing authority in doing anything required to be done by a repairs notice or a demolition order, no question shall be raised which might have been raised on an appeal against the notice or order, and

(ii) no appeal shall lie under paragraph (*a*) of this subsection in relation to a closing order at the instance of a person who is in occupation of the premises to

which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

(2) On the hearing of any appeal under this section, the Circuit Court may, as it thinks proper,—

(*a*) confirm the notice, demand, order, refusal, letting or requirement unconditionally,

(*b*) confirm the notice, demand, order, letting or requirement, subject to such modifications, alterations or additions as the Court thinks reasonable,

(*c*) annul the notice, demand, order, letting or requirement, or

(*d*) determine the closing order.

(3) The Circuit Court may accept such undertaking as might have been accepted by the housing authority, and any undertaking so accepted by the Circuit Court shall have the like effect as if such undertaking had been given to and accepted by the housing authority under this Part of this Act.

(4) Where the Circuit Court annuls a repairs notice it shall, if requested by the housing authority so to do, include in its judgment a finding whether the premises can or cannot be rendered fit for human habitation at a reasonable expense.

Power of Circuit Court to determine lease of house in respect of which demolition order is made.

73.—(1) Where a housing authority have made a demolition order in respect of a house and the authority have not accepted an undertaking under subsection (8) of section 66 of this Act, and the house forms the subject matter of a lease, either the lessor or the lessee may apply to the Circuit Court for an order determining the lease.

(2) Upon any application under subsection (1) of this section the Circuit Court, after giving to any sub-lessee an opportunity of being heard, may, if it thinks fit, order that the lease shall be determined, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation or damages or otherwise) as the court may think just and equitable to impose, regard being had to the respective rights, obligations and liabilities of the parties under the lease and all the other circumstances of the case.

(3) In this section, "lease" includes an underlease and any tenancy or any agreement for a lease, under-lease, or tenancy, and "lessor", "lessee", and "sub-lessee" shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

Action under section 65, 66 or 69 of Act not to prejudice other remedies.

74.—No action taken under section 65, 66 or 69 of this Act shall prejudice or affect any other powers (including a power under this Act) of the housing authority or any remedy available to a tenant against a landlord, or to a landlord against a tenant, either at common law or otherwise.

PART V

Acquisition of Land, etc.

Definitions for purposes of Part V and Third Schedule.

75.—In this Part and the Third Schedule to this Act—

(*a*) references to the Lands Clauses Acts shall be construed as references to those Acts (other than the Acquisition of Land (Assessment of Compensation) Act, 1919) as amended by the Second Schedule to the Act of 1890 and this Act;

(*b*) "the Acquisition of Land (Assessment of Compensation) Act, 1919", means the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Acquisition of Land (Reference Committee) Act, 1925, the Property Values (Arbitrations and Appeals) Act, 1960, and the Local Government (Planning and Development) Act, 1963;

(*c*) "the Act of 1890" means the Housing of the Working Classes Act, 1890;

(*d*) "house" means a building which is—

(i) wholly or principally used on the relevant date for human habitation, or

(ii) neither wholly nor principally used for human habitation on the relevant date but which, when last wholly or principally used, was so used for human habitation,

and includes any yard, outoffices or appurtenances, garden or other land belonging thereto or usually enjoyed therewith;

(*e*) "owner" means in relation to land a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term whereof exceeds three years;

(*f*) "relevant date" means in relation to a house the date on which the notice as respects the making of the compulsory purchase order relating to the house is published in accordance with article 4 of the said Third Schedule.

Procedure for compulsory acquisition of land.

76.—A housing authority acquiring land compulsorily for the purposes of this Act may be authorised to do so by means of a compulsory purchase order made by the authority and submitted to and confirmed by the Minister in accordance with the provisions contained in the Third Schedule to this Act.

Compulsory acquisition of land not immediately required.

77.—A housing authority may be authorised to acquire compulsorily for the purposes, and in accordance with section 76, of this Act, land not immediately required for those purposes, provided that the Minister is of opinion that there is reasonable expectation that the land will be required by the authority in the future in order to attain any of the objectives to which they are required by subsection (3) of section 55 of this Act to have regard in preparing a building programme.

Validity and date of operation of compulsory purchase orders.

78.—(1) As soon as may be after the Minister has made a confirmation order confirming a compulsory purchase order, whether in respect of all or part of the land to which the compulsory purchase order relates, the housing authority shall publish in a newspaper circulating in their functional area a notice in the prescribed form stating that the compulsory purchase order has been confirmed as respects all or part of the land, as the case may be, and naming a place where a copy of the compulsory purchase order as so confirmed and of the map referred to therein may be seen at all reasonable times and shall serve a like notice on every person having an interest in the land as respects which the compulsory purchase order has been confirmed who, having given notice to the Minister of his objection to the compulsory purchase order, appeared at the local public inquiry in support of his objection.

(2) If any person aggrieved by a compulsory purchase order which has been confirmed by the Minister (whether in respect of all or part of the land to which the compulsory purchase order relates) desires to question its validity he may, not later than three weeks after the publication of notice of the confirmation order, make an application for the purpose to the High Court, and where any such application is duly made the court—

(*a*) may by interim order suspend the operation of the compulsory purchase order as so confirmed either generally or in so far only as it affects any property of the applicant until the final determination of the proceedings;

(*b*) if satisfied upon the hearing of the application that the compulsory purchase order as so confirmed is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order as so confirmed either generally or in so far only as it affects any property of the applicant.

(3) A compulsory purchase order as confirmed by a confirmation order shall—

(*a*) as respects the land to which the confirmation order relates;

(i) in case no application mentioned in subsection (2) of this section is made or in case such application is withdrawn—become operative at the expiration of the period ending twenty-one days after the notice required by subsection (1) of this section is published, or the withdrawal of the application, or

(ii) in case such an application is made and is not withdrawn, and the court decides neither to quash the order as confirmed as aforesaid, nor to quash the order in so far only as it affects any property of the applicant—become operative on the date of the determination of the application,

(*b*) in case an application mentioned in subsection (2) of this section is made and is not withdrawn, and the court decides to quash the order in so far only as it affects any property of the applicant—become operative, on the date of the determination of the application, in so far as it affects any property other than the said property of the applicant.

(4) Subject to the provisions of subsection (2) of this section, a person shall not question a compulsory purchase order by prohibition or *certiorari* or in any legal proceedings whatsoever.

(5) So soon as may be after a compulsory purchase order has become operative, the housing authority shall serve a copy thereof on every person on whom a notice was served by them of their intention to submit the order to the Minister for confirmation.

Notice to treat.

79.—(1) Where a compulsory purchase order made and confirmed under this Act has become operative and the housing authority decide to acquire land to which the order relates, the authority shall serve a notice (in this Part referred to as a notice to treat) on every owner, lessee and occupier of the land F59**[**...**]** stating that they are willing to treat for the purchase of the several interests in the land and requiring each such owner, lessee and occupier to state within a specified period (not being less than one month from the date of service of the notice to treat) the exact nature of the interest in respect of which compensation is claimed by him and details of the compensation claimed, and, if the authority so require, distinguishing separate amounts of the compensation in such manner as may be specified in the notice to treat and showing how each such amount is calculated.

(2) A notice to treat served under subsection (1) of this section shall be deemed to be a notice to treat for the purposes of the Acquisition of Land (Assessment of Compensation) Act, 1919.

Power of entry on, taking possession and use of land.

80.—(1) Where a housing authority are by a compulsory purchase order made and confirmed under this Act authorised to acquire land compulsorily for the purposes of this Act, the authority may, at any time after the service of notices to treat in respect of the land, on giving not less than fourteen days' notice in writing to every owner, lessee and occupier of the land, enter on, take possession of and use the land or such part thereof as may be specified in the notice without previous consent of

any such owner, lessee or occupier or compliance with the provisions of the Lands Clauses Acts relating to entry on lands and the authority shall be liable to the payment of the like compensation as if the said provisions of the Lands Clauses Acts had been complied with and to payment of interest upon such compensation as from the date of such entry.

(2) Where a housing authority—

(*a*) agree to purchase land and the purposes for which the land is being acquired are purposes of this Act, or

(*b*) propose to appropriate land to any purpose of this Act,

subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year then, at any time after the agreement has been made or the consent to the appropriation has been given by the appropriate Minister within the meaning of section 85 of this Act, the authority may, after giving to the person so in possession twenty-one days' notice in writing, without previous consent, enter on, take possession of and use the land or such part thereof as is specified in the notice but subject to the payment to the person so in possession of the like compensation together with interest upon such compensation as from the date of such entry as if the authority had been authorised to acquire the land compulsorily and the person had in pursuance of the authorisation been required to quit possession before the expiration of his term or interest in the land, but without the necessity of compliance with the provisions of the Lands Clauses Acts relating to entry on lands.

Vesting order.

81.—(1) Where a housing authority have entered on and taken possession of land in accordance with the powers conferred upon them by section 80 of this Act and where, after the expiration of six months from the date of such entry—

(*a*) the several interests in the land have not been conveyed or transferred to the authority,

(*b*) the authority consider that it is urgently necessary, in connection with the purposes for which they have been authorised to acquire the land compulsorily, that the acquisition of the land should be completed, and

(*c*) the authority have made a proper offer in writing to each person having an interest in the land who has furnished sufficient particulars of his interest to enable the authority to make a proper offer for such interest,

the authority may by order (in this Act referred to as a vesting order) acquire the land.

(2) Where a housing authority, before making a vesting order, become aware that the land to be acquired by the order is subject (whether alone or in conjunction with other land) to any annuity or other payment to the Irish Land Commission or to the Commissioners of Public Works in Ireland, or to any charge for estate duty or succession duty payable to the Revenue Commissioners on the death of any person, the authority shall forthwith inform the Irish Land Commission, the Commissioners of Public Works in Ireland or the Revenue Commissioners, as the case may be, of the intention to make the order.

(3) When a housing authority make a vesting order they shall within seven days after making the order—

(*a*) publish in one or more newspapers circulating within their functional area a notice stating that the order has been made, describing the land referred to therein and naming a place where a copy of the order may be seen at all reasonable times, and

(*b*) serve on every person appearing to them to have an interest in the land to which the order relates a notice stating the fact of such an order having been made and the effect of the order.

Form and effect of vesting order and registration of title acquired under the Registration of Title Acts, 1891 and 1942.

82.—(1) A vesting order shall be in the prescribed form and shall have attached thereto a map of the land to which it applies and it shall be expressed and shall operate to vest the land in the housing authority in fee simple free from encumbrances and all estates, rights, titles and interests of whatsoever kind (other than any public right of way) on a specified date (in this Act referred to as the vesting date) not earlier than twenty-one days after the making of the order.

(2) Notwithstanding anything in subsection (1) of this section, where a housing authority have acquired by a vesting order land which is subject, either alone or in conjunction with other land, to a purchase annuity, payment in lieu of rent, or other annual sum (not being merely a rent under a contract of tenancy) payable to the Irish Land Commission or to the Commissioners of Public Works in Ireland, the authority shall become and be liable, as from the date on which the land is vested in them by the vesting order, for the payment to the Irish Land Commission or to the Commissioners of Public Works in Ireland, as the case may be, of the annual sum or such portion thereof as shall be apportioned by the Irish Land Commission or by the Commissioners of Public Works in Ireland, as the case may be, on the land as if the land had been transferred to the authority by the owner thereof on that date.

(3) When a housing authority make a vesting order in relation to any land, they shall send the order to the registering authority and thereupon the registering authority shall cause the housing authority to be registered as owner of the land in accordance with the order.

Extinguishment of ways, easements, etc.

83.—(1) F60**[**...**]**

(2) Upon the completion by a housing authority of the acquisition by them, otherwise than by vesting order, of any land for the purposes of this Act, all private rights of way and all rights of laying down, erecting, continuing or maintaining any pipes, sewers, drains, wires or cables on, under or over that land (together with the property in those pipes, sewers, drains, wires or cables) and all other rights or easements in or relating to that land shall, except so far as may be otherwise agreed by the authority and the person entitled to the right in question, vest in the authority without any conveyance or transfer, and any person who suffers loss by the vesting by virtue of this subsection of any such right or property shall be entitled to be paid by the authority compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

Assessment of compensation in respect of land acquired compulsorily.

84.—(1) Where land is acquired compulsorily by a housing authority for the purposes of this Act, the compensation payable in respect thereof shall be;

(*a*) in the case of land consisting of a house mentioned in article 3 of the Third Schedule to this Act—the value of the land at the time the relevant notice to treat is served assessed in accordance with Part I of the Fourth Schedule to this Act,

(*b*) in the case of any other land—the value of the land at the time the relevant notice to treat is served assessed in accordance with Part II of the Fourth Schedule to this Act.

(2) Subject to subsection (1) of this section and to paragraph (*l*) of article 2 of the said Third Schedule, the compensation payable in respect of such land shall be assessed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919.

Appropriation of land to purposes of this Act.

85.—F61**[...]**

Amendment of section 10 of Local Government (No. 2) Act, 1960.

86.—(1) The following section shall be substituted for section 10 of the Act of 1960—

"10. (1) Where—

(*a*) a local authority intend to acquire compulsorily any land, whether situate within or outside their functional area, for purposes for which they are capable of being authorised by law to acquire land compulsorily,

(*b*) those purposes are purposes other than the purposes of the Housing Act, 1966, or are purposes some only of which are purposes of that Act, and

(*c*) the local authority consider that it would be convenient to effect the acquisition under that Act,

the local authority may decide so to effect the acquisition.

(2) Where—

(*a*) a local authority consider that any land, whether situate within or outside their functional area, would, if acquired by them, be suitable for the provision of halls, buildings and offices for the local authority, and

(*b*) the local authority consider that it would be convenient to effect the acquisition under the Housing Act, 1966,

the local authority may decide so to effect the acquisition.

(3) (*a*) Where a local authority make a decision under subsection (1) or (2) of this section, they may be authorised to acquire the land compulsorily by means of a compulsory purchase order as provided for by section 76 of the Housing Act, 1966, and the Third Schedule thereto and for the purposes of this paragraph any reference to a housing authority in the said section 76 or the said Third Schedule shall be construed as a reference to a local authority.

(*b*) For the purposes of paragraph (*a*) of this subsection, 'the Minister', wherever that expression occurs in section 76 of the Housing Act, 1966, and the Third Schedule thereto shall be construed as referring to the appropriate Minister.

(4) (*a*) The provisions of sections 78, 79, subsection (1) of section 80, sections 81, 82 and 84 of the Housing Act, 1966, and the Fourth Schedule thereto, shall apply in relation to an order made by virtue of this section and any reference in the said sections and subsection and in the said Fourth Schedule as so applied to a housing authority or the Minister shall be construed as a reference as to the local authority or the appropriate Minister, respectively.

(*b*) The provisions of sections 3, 4, 5 and 49 of the Housing Act, 1966, are hereby extended so as to have effect for the purposes of this section, and any reference in the said sections as so extended to a housing authority or, except in the said section 5, to the Minister shall be construed as a reference to the local authority or the appropriate Minister, respectively.

(*c*) The provisions of subsection (2) of section 83 of the Housing Act, 1966, shall apply in relation to land acquired by means of an order made by virtue of this section.

(*d*) Where—

(i) an order is made by virtue of this section, and

(ii) there is a public right of way over the land to which the order relates or any part thereof,

the order may authorise the local authority, by order made by them after they have acquired such land or part, to extinguish the right of way.

(*e*) Where—

(i) an order made by virtue of this section authorises the extinguishment of a public right of way, and

(ii) apart from this paragraph, it would not be obligatory on the Minister to cause a public local inquiry to be held pursuant to the Third Schedule to the Housing Act, 1966,

it shall be obligatory on the Minister to cause the inquiry to be held save where he thinks fit not to confirm the order.

(5) A local authority may, in a case in which they have made a decision under subsection (1) of this section, be authorised to acquire land compulsorily by means of a single order made by virtue of this section irrespective of the number of the purposes for which the land is required.

(6) In this section, 'land' includes any interest or right over land granted by or held from the local authority acquiring the land."

(2) In construing a compulsory purchase order made by virtue of the said section 10, the reference in any enactment incorporated therein which, but for this subsection, would by virtue of sub-article (5) of article 5 of the Third Schedule to this Act be construed as a reference to a housing authority, shall be construed as a reference to a local authority.

Amendment of section 10 of Local Government (Ireland) Act, 1898.

87.—F62**[**...**]**

PART VI

Disposal of Land and Dwellings

Chapter I

Land

Disposal of land by housing authority.

88.—F63**[**...**]**

Chapter II

Certain Dwellings Provided under this Act

Interpretation (Chapter II of Part VI).

89.—In this Chapter—

F64**[**"dwelling" means a dwelling provided by a housing authority under this Act of which they are the owner and includes any shop, outoffice, yard, garden or other land appurtenant thereto or usually enjoyed therewith;**]**

F65**[**"purchase money", in relation to a dwelling, means—

(*a*) the purchase price of the dwelling after taking into account any reduction in the price as a result of any discount or other allowance made by the housing authority concerned, and

(*b*) any interest payable on the amount determined in accordance with paragraph (*a*) of this definition;

"purchaser" means the person (including a housing authority) to whom a sale is made and includes a successor in title of that person and the personal representative of that person or successor in title;

"sell", in relation to a dwelling, means to sell or exchange a freehold or leasehold estate or interest, and cognate words shall be construed accordingly;**]**

"special condition" means a condition requiring that—

(*a*) payments in respect of the purchase money shall be made punctually on the due dates,

(*b*) the dwelling shall, unless the housing authority otherwise allow, be occupied as a normal place of residence by the purchaser or the purchaser's successor in title or by a member of the purchaser's family or the family of his successor in title,

(*c*) the dwelling or any part thereof shall not, without the consent of the housing authority, be mortgaged, charged or alienated otherwise than by devise or operation of law.

Power of housing authority to sell or lease certain dwellings provided under this Act.

F66**[90.**(1) Subject to the provisions of this section and to such regulations as may be made by the Minister for the purposes of this section, a housing authority may sell a dwelling in the state of repair and condition existing at the date of the sale—

(*a*) where the dwelling is occupied by a tenant—

(i) F67**[**...**]**

(ii) to another housing authority, or

(iii) to a body standing approved of for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992;

(*b*) where the dwelling is not occupied by a tenant, to any person (including another housing authority).

(2) F67**[**...**]**

(3) F67**[**...**]**

F68**[**(4) (*a*) Subject to any regulations made under this section, section 183 of the Local Government Act, 2001, shall apply in relation to the sale of a dwelling under subparagraph (ii) or (iii) of paragraph (a), or paragraph (b), of subsection (1) of this section but shall not otherwise apply to the sale of a dwelling under this section.

(*b*) This subsection is without prejudice to the application of section 183 of the Local Government Act, 2001, to the disposal of land by a housing authority under section 211 of the Planning and Development Act, 2000, and for the purposes of this paragraph 'land' does not include a dwelling.**]**

(4A) F67**[**...**]**

(5) A sale of a dwelling under this section shall be effected by means of an order (in this section referred to as a "transfer order") made by the housing authority which shall be expressed and shall operate to vest, on the date specified in the order, the interest specified therein, subject to such terms and conditions, including special conditions, as may be specified therein.

(6) Where a dwelling, being a separate and self-contained flat in premises divided into two or more such flats, is sold under this section, a housing authority may—

(*a*) make a periodic or other charge on the purchaser in respect of the management, control, maintenance or improvement of the areas, works or services in the said premises that are common to two or more such dwellings where such functions are performed by the authority,

(*b*) as respects any sum due to them under paragraph (*a*) of this subsection and remaining unpaid after the due date—

(i) secure payment of the sum by charging the dwelling under the Registration of Title Act, 1964,

(ii) without prejudice to subparagraph (i) of this paragraph, recover the sum as a simple contract debt in any court of competent jurisdiction,

(*c*) subject to the requirements of regulations (if any) under this section, transfer the ownership or control of the areas, works or services in the said premises that are common to two or more such dwellings to a company or other body having as an object the management, control, maintenance or improvement of the said premises, areas, works or services.

(6A) F67**[**...**]**

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

(*a*) F69**[**...**]**

(*b*) F69**[**...**]**

(*c*) F69**[**...**]**

(*d*) the determination of the amount of the purchase price of a dwelling;

(*e*) the determination of any discount or other allowance to be deducted from the purchase price of a dwelling;

(*f*) the manner of payment of the purchase money for a dwelling;

(*g*) the determination from time to time of the rate of interest (if any) payable to a housing authority on moneys owing to the authority in respect of a dwelling;

(*h*) the security (if any) to be taken for moneys owing to a housing authority and the manner of assessing its adequacy;

(*i*) the form of, or the matters to be specified in, a transfer order;

(*j*) such other terms and conditions, including special conditions and the period for which they shall apply, in relation to the sale of a dwelling as the Minister considers appropriate;

(*k*) in case of a sale of a dwelling under paragraph (*a*)(iii) of the said subsection (1)—

(i) the form of or the matters to be specified in an agreement between the housing authority and the body in relation to the sale of the dwelling;

(ii) the obtaining of the tenant's consent to the sale of the dwelling and the manner of so doing;

(iii) the furnishing of information to the tenant for the purpose of obtaining his consent;

(iv) the tenant's occupation of the dwelling following its sale;

F70**[**(*l*) in the case of a sale under this section, the obtaining of the consent of the Minister to the sale;**]**;

(*m*) the application of section 3 of the Housing (Miscellaneous Provisions) Act, 1992, to the sale of a dwelling under this section.

(8) No warranty shall apply or be deemed to be implied as to the state of repair or condition or the fitness for human habitation of a dwelling sold under this section.

(9) Where a housing authority give or have given consent to a mortgage in respect of a dwelling sold by them under this section, the authority shall be regarded as having consented to—

(*a*) any further or consolidated mortgage effected by the same mortgagor, and

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

(10) Where, in relation to a house sold under this section, a written report on the value of a house and any factors likely to affect its value is furnished by a housing authority in connection with the making of a loan by a building society to be secured on the house, the authority may be deemed to be a person competent to value and not disqualified from making a report for the purposes of section 25 (1) (*c*) of the Building Societies Act, 1989.

(11) (*a*) The power under this section to sell a dwelling, other than a dwelling being a separate and self-contained flat in premises divided into two or more such flats or a dwelling to which regulations made pursuant to paragraph (*m*) of subsection (7) of this section apply, shall, except where the dwelling is vested in another housing authority or a body approved of under section 6 of the Housing (Miscellaneous Provisions) Act, 1992, be exercised only by the vesting of the fee simple in the dwelling.

(*b*) The Landlord and Tenant (Ground Rents) Act, 1978, shall not apply in relation to the sale of a dwelling under subparagraph (ii) or (iii) of paragraph (*a*) of subsection (1) of this section.

(12) The following additional provisions shall apply in respect of a dwelling to which a special condition described in paragraph (*c*) of section 89 of this Act applies:

F71**[**(*a*) the housing authority may, without prejudice to any other power in that behalf, refuse to consent to a sale of a dwelling if they are of the opinion that—

(i) the intended purchaser is not a person in need of housing, or

(ii) the intended purchaser is or has been engaged in antisocial behaviour or that the intended sale of the dwelling would not be in the interest of good estate management, or

(iii) the intended sale would, if completed, leave the seller or any person who might reasonably be expected to reside with that person without adequate housing;**]**

(*b*) where, in relation to the dwelling—

(i) a housing authority give or have given consent to a sale, or

(ii) a mortgagee has exercised his powers of sale under a mortgage,

the condition shall, from the date of such sale, no longer apply;

(*c*) any attempted or purported mortgaging, charging or alienation in contravention of the special condition shall be null and void against all persons; provided, however, that in any case where the consent of the housing authority is given after the attempted or purported mortgaging, charging or alienation, such consent shall, if the authority so direct, so operate as to validate with retrospective effect such attempted or purported mortgaging, charging or alienation.**]**

Recovery of payments in respect of purchase money.

91.—Where—

(*a*) a special condition described in paragraph (*a*) of section 89 of this Act applies as respects a dwelling, and

(*b*) any payment in respect of the purchase money is not made on the date on which it is required to be made under the condition,

the payment may be recovered by the housing authority as a simple contract debt in a court of competent jurisdiction.

Registration under Registration of Title Acts, 1891 and 1942 of ownership of dwellings sold or leased under section 90 of Act.

92.—(1) Where a dwelling is sold or leased under section 90 of this Act and the registration of the ownership of the dwelling is not on the date of the sale or lease compulsory by virtue of any provision either of the Act of 1891 or the Land Purchase Acts, on and after such date the registration of the ownership of the dwelling shall be compulsory and the dwelling shall be deemed to be registered land within the meaning of the Act of 1891.

(2) Whenever a housing authority sell or lease a dwelling under the said section 90, the authority shall forthwith apply to the registering authority for the registration under the Act of 1891 of the ownership of the dwelling.

(3) The provisions of Part IV of the Act of 1891 shall have effect in relation to any dwelling which is purchased under this Chapter as if the dwelling were freehold registered land to which the said Part IV applies.

Chapter III

Purchase of Certain Cottages under Act of 1936

Interpretation (Chapter III of Part VI) and saver.

93.—(1) In this Chapter—

(*a*) "the Act of 1950" means the Housing (Amendment) Act, 1950 (repealed by this Act);

(*b*) "annuity" (except in section 101) has the same meaning as in the Act of 1936 and includes part of such annuity;

(*c*) "cottage" means a cottage provided under the Labourers Acts, 1833 to 1962, and, save where the context otherwise requires, includes the plot (if any) provided with such cottage;

(*d*) "purchase scheme" has the same meaning as it has for the purposes of the Act of 1936;

(*e*) "qualified person" means a qualified person for the purposes of section 16 of the Act of 1936.

(2) Notwithstanding the repeal by this Act of section 26 of the Housing (Amendment) Act, 1958, the Act of 1936 together with section 1 and Part III of the Housing and Labourers Act, 1937, shall continue in force until such time as they are repealed or terminated.

Purchase of certain cottages under Act of 1936.

94.—(1) Where a housing authority have provided a cottage before the 1st day of January, 1966, and the authority have not complied with the requirement of subsection (2) of section 12 of the Act of 1936 (repealed by this Act) in relation to the cottage, the authority shall, not later than twelve months after the commencement of this section, prepare and submit to the Minister a purchase scheme in relation to the cottage.

(2) The provisions of the Act of 1936 shall apply as respects any purchase scheme prepared and submitted to the Minister under this section in like manner as if the scheme had been prepared and submitted under that Act.

Restriction on applications under section 16 of Act of 1936.

95.—(1) Section 16 of the Act of 1936 shall have effect subject to the following modifications:

(*a*) where a purchase scheme in relation to a cottage is in force immediately before the commencement of this section and no application in respect of the cottage has been sent to the housing authority under the said section 16, an application may be sent under that section if, but only if, it is so sent not later than eighteen months after the commencement of this section;

(*b*) where a purchase scheme in relation to a cottage comes into force on or after the commencement of this section, an application in respect of the cottage may be sent to the housing authority if, but only if, it is so sent not later than eighteen months after the commencement of this section or six months after the day on which the purchase scheme comes into force, whichever is the later.

(2) A housing authority shall inform each tenant of a cottage within their functional area of the application which may be sent to the authority by a qualified person and the period within which the application must be sent and each such tenant shall be so informed as soon as practicable after,

(*a*) in case the relevant purchase scheme is in force immediately before the commencement of this section—such commencement, or

(*b*) in case the relevant purchase scheme comes into force on or after the commencement of this section—the day on which the purchase scheme comes into force.

Cottages in urban areas.

96.—(1) Where a cottage in respect of which an application may be sent under section 16 of the Act of 1936 comes within an urban area not more than eighteen months either before or after the commencement of section 94 of this Act, the housing authority to whom the application may be so sent shall not, within the period during which the application may be so sent, transfer the cottage to the housing authority for the urban area.

(2) The right of a person to send an application under section 16 of the Act of 1936 shall not in any way be affected by reason only of the fact that the cottage is at any time situate within an urban area.

(3) Where a cottage purchased under the Act of 1936 comes within an urban area, whether before or after the commencement of this section, all the provisions of the Act of 1936 shall continue to apply in relation to the cottage and the functions in relation to the cottage which could formerly be performed by the authority by whom the relevant vesting order under section 17 of the Act of 1936 was made shall thenceforth be performed by the housing authority for the urban area and in case the cottage came within an urban area before the commencement of this section, the said provisions shall be deemed to have continued to so apply and the said functions shall be deemed to have been so performable as and from the date on which the cottage came within the urban area.

(4) In this section, "urban area" means a county or other borough or urban district.

Power to declare certain persons to be qualified persons.

97.—Where, immediately before the commencement of this section, a cottage is let by a housing authority under section 24 of the Act of 1950, the following provisions shall have effect:

(*a*) the authority may declare that the person to whom the cottage was so let is a qualified person, and thereupon such person shall become a qualified person;

(*b*) the making of a declaration under this subsection shall be a reserved function.

Cottage or plot may be charged, mortgaged, subdivided or alienated.

98.—(1) Notwithstanding sections 17 and 21 of the Act of 1936, and subject to the provisions of this section, any cottage, plot or part of a plot held with a cottage may be and shall be deemed always to have been capable, during the payment period in respect of the cottage, of being charged, mortgaged, subdivided or alienated otherwise than by devise or by operation of law, with the consent of the relevant housing authority.

(2) Without prejudice to any other power in that behalf, a housing authority may withhold their consent to the alienation of a cottage if they are of opinion that—

(*a*) the person to whom it is intended to alienate the cottage is a person who is not in need of housing, or

(*b*) the alienation would, if effected, cause or be likely to cause the person intending to make the alienation or any of his dependants to be a person without adequate or suitable housing.

(3) Where a cottage which is subject to and charged with the future payment of an annuity is intended to be sold or transferred, the housing authority may, before consenting to the sale or transfer, require the annuity to be redeemed under section 99 of this Act.

(4) Where a plot or part of a plot held with a cottage which is subject to and charged with the future payment of an annuity is charged, mortgaged, subdivided or alienated otherwise than by devise or by operation of law, after the commencement of this section, the housing authority shall apportion the annuity in such manner as they consider appropriate, and in the case of a sale or a transfer the authority shall require to be redeemed under section 99 of this Act the part of the annuity apportioned by them in respect of the plot or the part of a plot.

(5) F72**[**...**]**

(6) In case any person, without the consent of a housing authority, attempts or purports to effect in relation to any cottage, plot or part of a plot held with a cottage, a charge, mortgage, subdivision or alienation as respects which the consent of a

housing authority is required by this section or by a vesting order made under section 17 of the Act of 1936, such attempted or purported charging, mortgaging, subdivision or alienation shall be null and void against all persons; provided, however, that in any case where the consent of the authority is given after the attempted or purported charging, mortgaging, subdivision or alienation, such consent shall operate, if the authority so direct, to validate with retrospective effect, such attempted or purported charging, mortgaging, subdivision or alienation.

Redemption of annuities.

99.—An annuity at any time outstanding may, if the housing authority entitled to receive the annuity think fit, be redeemed by the person liable to pay the annuity by payment to the authority of such amount as may be approved by the Minister, and the premises, which but for this section would be subject to and charged with the payment of the annuity or the part, shall, on receipt by the authority of the amount so approved, stand freed and discharged from the payment of the annuity.

Act of 1936 wholly or otherwise to cease to apply in certain circumstances.

100.—(1) Where—

(*a*) a cottage, plot or part of a plot held with a cottage, subject to and charged with the future payment of an annuity is either alienated, or is acquired by the housing authority to whom, before the acquisition, the annuity was required to be paid, or

(*b*) an annuity is redeemed under section 99 of this Act,

all the provisions of the Act of 1936, including the statutory conditions which but for this subsection would continue to apply in respect of the cottage, plot or part of a plot during the payment period shall, in case the cottage, plot or part of a plot is so acquired or the annuity, as respects the cottage, plot or part of a plot is redeemed in full, cease so to apply, or in any other case, cease so to apply to such extent as the housing authority may, by order, determine.

(2) In this section, "statutory conditions" and "payment period" have the same meanings as in section 17 of the Act of 1936.

Provisions as respects amount of annuities.

101.—(1) Notwithstanding anything contained in the Act of 1936 or in a purchase scheme, the provisions of subsection (2) of this section shall have effect.

(2) Where the rent of a cottage is revised, whether before or after the commencement of this section, otherwise than on account of any change in the amount of the municipal or county rate, or otherwise than on account of the provisions of a scheme providing for graded or differential rents, the following provisions shall apply:

(*a*) the amount of the terminable annuity to be paid in respect of the cottage as the consideration for the purchase thereof shall be the amount (in this section referred to as the revised amount) which bears the same proportion to the yearly amount payable in respect of such rent, when so revised, as the amount of the terminable annuity specified in the relevant purchase scheme bears to the amount which was payable annually as respects such rent when the purchase scheme came into force, and

(*b*) the amount of the terminable annuity specified in the relevant purchase scheme shall, for the purposes of the Act of 1936, be deemed to be equal to the revised amount.

Amendment of certain provisions of, and validation of certain orders under, Act of 1936.

102.—(1) The Act of 1936 shall be amended as follows:

(*a*) paragraph (*d*) of subsection (2) of section 17 is hereby amended by the insertion of the following subparagraph after subparagraph (vi):

"(via) that subject to the provisions of subparagraph (iii) of this paragraph, the cottage shall be occupied as his normal place of residence by a person who is a person mentioned in subparagraph (ii) of this paragraph,";

(*b*) in section 24—

(i) "or if during such period the cottage for a continuous period of more than eighteen months, is not occupied as his normal place of residence by a person mentioned in subparagraph (ii) of paragraph (*d*) of subsection (2) of section 17 of this Act," is hereby inserted before "such board of health may" in subsection (1);

(ii) "any other grounds" is hereby substituted for "failure to comply with any other statutory condition" in subparagraph (ii) of paragraph (*b*) of subsection (2);

(iii) the following is hereby substituted for subsection (3):

"(3) Notwithstanding subsection (2) of this section, upon the hearing of an application under subsection (1) of this section the justice of the District Court hearing the application may—

(*a*) in case he is satisfied that the notice required by this section has been duly given and that a statutory condition mentioned in the notice has not been complied with, or

(*b*) in case he is satisfied that, for a continuous period of more than eighteen months during the payment period in respect of a cottage, the cottage has not been occupied as his normal place of residence by a person mentioned in subparagraph (ii) of subsection (2) of section 17 of this Act and on an undertaking by the applicant to pay to the person in whom, on the date of the application, the cottage is vested an amount approved by the Minister, being not less than the value of the aggregate of the moneys which have been received by the applicant towards the consideration for the purchase of the cottage to which the application relates,

issue the warrant.";

(iv) in subsection (4), "sections 86 and 87" is hereby substituted for "section 86", where that reference first occurs and "subject to the modification that where as respects an application under subsection (1) of this section, the name of the owner of a cottage cannot by reasonable enquiry be ascertained, a summons under the said section 86 may be addressed to 'the owner' without naming him" is hereby inserted after "this section."

(v) "and thereupon the cottage shall for all purposes be deemed to be a dwelling provided under the Housing Act, 1966" is hereby inserted after "fee simple" in paragraph (*b*) of subsection (5);

(vi) the following is hereby inserted after subsection (5):

"(6) Upon the hearing of an application under subsection (1) of this section it shall be presumed, until the contrary is proved, that, for a continuous period of more than eighteen months during the payment period in respect of the cottage, the cottage has not been occupied as his normal place of residence by a person mentioned in the said subparagraph (ii)."

(*c*) in section 27—

(i) "notwithstanding that the annuity relating to the cottage has been redeemed or has otherwise ceased to be payable," and "(in this section referred to as the consolidated holding)" are hereby inserted after "the Irish Land Commission may" and "one holding" respectively in subsection (1);

(ii) the following is hereby inserted after subsection (1):

"(1A) Subject to subsection (2) of this section, the making of a consolidating order shall operate to transfer to the relevant consolidated holding every estate, interest, right, burden, charge (including an annuity payable under this Act, a purchase annuity payable under the Land Purchase Acts or a reclamation annuity within the meaning of the Land Reclamation Act, 1949), liability or equity which immediately before the date of consolidation, was charged upon, attached to or otherwise affected the cottage or holding to which the declaration in the order relates, and any such charge so transferred shall be deemed always to have been charged on the consolidated holding and the amount of the charge shall continue to be recoverable in the manner and with the priority in and with which it could have been recovered before the order was made.";

(iii) the following is hereby inserted after subsection (2):

"(3) The registering authority under the Act of 1891 shall, on the application of the Irish Land Commission, register the ownership of the consolidated holding and shall make such changes in the appropriate register as appear to him to be necessary";

(*d*) paragraph (*d*) of section 29 is hereby amended by the insertion of "addressing it to 'the owner', without naming him and" before "delivering" and by the substitution of "or" for "or by".

(2) Notwithstanding subsection (2) of section 17 of the Act of 1936, an order made under subsection (1) of that section and expressed to vest a cottage in a person in fee simple on a day being not later than the 31st day of December, 1964, shall be deemed never to have failed to operate to vest the cottage by reason only of the fact that the vesting day expressed in the order is a day other than the gale day which next followed the date of the order.

(3) F73**[**...**]**

(4) Paragraph (*a*) of subsection (1) of this section shall be deemed to have come into operation on the 29th day of June, 1936, and every order under section 17 of the Act of 1936 and made before the commencement of this section shall be deemed to have expressed and shall operate and shall be deemed always to have operated to apply the provisions contained in the amendment effected by the said paragraph (*a*).

Amendment of section 46 of Land Act, 1923.

103.—Section 46 of the Land Act, 1923, shall be construed as if the references to the original holding included references to a cottage in respect of which an annuity has been fully paid, or has been redeemed under section 3 of the Labourers Act, 1965, or section 99 of this Act.

Amendment of sections 6 and 7 of Land Act, 1946.

104.—Sections 6 and 7 of the Land Act, 1946, shall each be construed as if the references to the original holding included references to a cottage.

Saver.

105.—Nothing in this Chapter shall be construed as enabling a housing authority to make a purchase scheme in relation to any of the following:

(*a*) a cottage in relation to which a special contribution within the meaning of section 44 of this Act is made by the Minister to the authority;

(*b*) a cottage containing two or more separate tenements;

(*c*) a cottage situate on state land (other than state land to which the housing authority have, within six months after the commencement of this section, become the owner in fee simple);

(*d*) a cottage which, immediately before the commencement of this section, was appropriated under section 3 of the Housing (Amendment) Act, 1942 (repealed by this Act);

(*e*) a cottage in relation to which subsection (1) of section 34 of the Act of 1948 would apply but for section 6 of this Act;

(*f*) a cottage provided under section 24 of the Act of 1950 other than a cottage in relation to which a declaration is made either under subsection (3) of the said section 24 or section 97 of this Act.

CHAPTER IV

Miscellaneous

Duty of housing authority to put certain cottages and dwellings into good structural condition.

106.—F74**[**...**]**

Recovery of possession in certain circumstances of houses and dwellings sold or leased by housing authority.

107.—(1) If during the payment period—

(*a*) the owner of a house sold or leased under section 11 of the Housing (Ireland) Act, 1919, cannot be found or ascertained,

(*b*) a special condition applying as respects a dwelling is not complied with, or

(*c*) the owner of a dwelling sold or leased under section 90 of this Act cannot be found or ascertained,

the housing authority may (without prejudice to any other method of recovering possession) subject to the provisions of this section, apply to the justice of the District Court having jurisdiction in the district court district in which the house or dwelling is situate for the issue of a warrant under this section.

(2) Before making an application under subsection (1) of this section in relation to the non-compliance with a special condition applying as respects a dwelling, the housing authority shall give to the owner of the dwelling not less than twenty-one days' notice in writing of their intention to make the application and every such notice shall state the grounds on which the application is to be based.

(3) Upon the hearing of an application under subsection (1) of this section grounded upon non-compliance with the special condition mentioned in paragraph (*b*) of section 89 of this Act, it shall be presumed, until the contrary is proved, that the condition has not been complied with.

(4) Upon the hearing of an application duly made under subsection (1) of this section, the justice of the District Court hearing the application shall—

(*a*) in case he is satisfied that the notice required by this section has been duly given and that a special condition mentioned in the notice has not been complied with, or

(*b*) in case he is satisfied that the owner of the house or dwelling cannot by reasonable enquiry be found or ascertained and on an undertaking being given by the authority in accordance with subsection (7) of this section,

issue the warrant.

(5) The provisions of sections 86, 87 and 88 of the Act of 1860 shall apply in respect of the issue of a warrant under this section subject to the modification that where as respects an application under subsection (1) of this section, the name of the owner of a house or dwelling cannot by reasonable enquiry be ascertained, a summons under the said section 86 may be addressed to "the owner" without naming him, and the warrant when so issued shall have the same effect as a warrant under the said section 86.

(6) Whenever a warrant is issued under this section and a housing authority recover possession of a house or dwelling by virtue of the warrant, the following provisions shall have effect:

(*a*) all the estate, right, interest and title of the person to whom the house or dwelling was leased or sold, and any other person claiming through or under him shall vest in the authority without any conveyance or transfer and thereupon the house or dwelling shall for all purposes be deemed to be a dwelling provided under this Act;

(*b*) all the terms or conditions, including any special condition, applied to the dwelling by virtue of this Part shall cease to apply thereto.

(7) In a case in which the owner cannot be found or ascertained, the housing authority may, at the hearing of an application under subsection (1) of this section, give to the court, as respects the relevant house or dwelling, an undertaking in writing to pay in accordance with an order of the court under subsection (8) of this section the appropriate amount or part thereof together with interest F75**[**at the rate at which on the date of the undertaking the authority could borrow from the Housing Finance Agency for the purposes of house purchase loans which are subject to a variable interest rate**]**, and calculated as respects the period beginning on the date of the undertaking and ending either on the date of the direction of the court under the said subsection (8) or twelve years after such date, whichever is the earlier.

(8) Any person who, but for the provisions of subsection (6) of this section, would be entitled to all or part of the estate, right, interest and title in a house or dwelling mentioned in subsection (1) of this section and as respects which an undertaking is given under subsection (7) of this section, may make an application to the justice of the District Court having jurisdiction in the district court district in which the house or dwelling is situate for an order under this subsection and on the hearing of the application the justice may, if satisfied that the applicant would, but for the provisions of the said subsection (6) be entitled as aforesaid, order the payment to the applicant by the housing authority by whom an undertaking under the said subsection (7) was given of the appropriate amount and interest, or so much thereof as he shall in the particular circumstances of the case consider appropriate.

(9) In this section—

"the appropriate amount" means the value of the aggregate of any moneys paid to a housing authority in respect of the sale or lease by the authority of a house or dwelling mentioned in subsection (1) of this section and in relation to which the application is brought under subsection (8) of this section;

"cottage" means a cottage within the meaning of section 93 of this Act;

"payment period" means the period for payment to the housing authority of purchase or other money or of rent in respect of the relevant house or dwellings;

"special condition" means a special condition within the meaning of section 89 of this Act.

Capital money.

F76**[108.**—Capital money arising from the disposal of land under this Part of this Act shall be applied for a purpose approved of by the Minister.**]**

PART VII

Exercise and Default in Exercise of Functions under this Act

Exercise by housing authority of functions under this Act outside functional area.

109.—(1) A housing authority may perform any of their functions under this Act outside their functional area.

(2) Where a housing authority intend to perform a function in the functional area of another housing authority, the authority by whom the function is intended to be performed and the other authority may make and carry out an agreement in relation to the function, and where an agreement is made under this section the parties to the agreement may terminate it at any time if they so agree.

(3) The making of an agreement under this section shall be a reserved function.

Committees.

110.—F78**[**...**]**

Failure of housing authority as respects performance of functions under Act.

111.—(1) Whenever the Minister is of opinion that a housing authority have failed to perform any of their functions under this Act, or have failed to perform any such function in a satisfactory manner, he may by order require the authority to perform the function, and the Minister may, if he thinks fit, specify in the order the manner in which or the time or times within which the function is to be performed or both such manner and such time or times, and if the authority fail to comply with such a requirement of the order or fail to comply with a requirement in a satisfactory manner, the Minister may by a further order invest himself with and perform such of the said functions of the authority as may be necessary to remedy the failure.

(2) Where the Minister is of opinion that it would be more convenient that any function under this Act which may be performed by him by virtue of an order under subsection (1) of this section, should be performed, whether generally or in a particular case, by a housing authority or by a person, he may—

(*a*) require the authority to perform the function,

(*b*) make an agreement with the person for the performance of the function by him on the Minister's behalf,

and thereupon the function shall become performable by the authority or the person, as may be appropriate, as if the authority or the person, as the case may be, were the housing authority in respect of whose function under this Act the order was made.

(3) The Minister may by order vest in and transfer to a housing authority in respect of any of whose functions under this Act an order has been made under subsection (1) of this section any property, debt or liability acquired or incurred in the performance of the function by the Minister or on his behalf, and such property, debt or liability shall vest and attach accordingly.

(4) Nothing in this section shall be construed as enabling a person to acquire land otherwise than by agreement.

PART VIII

Miscellaneous

Provision of technical assistance.

112.—A housing authority may provide technical assistance to persons purchasing or otherwise providing sites or reconstructing, enlarging, improving, purchasing or otherwise providing dwellings.

Power to provide prizes or other incentives for the maintenance of houses, etc.

113.—For the purpose of encouraging the proper maintenance of houses, gardens, open spaces or amenities, a housing authority may, if they so think fit, provide such prizes in competitions or such other incentives as the authority may determine for the maintenance of the houses, gardens, open spaces, or amenities in their functional area or in a particular part of their functional area.

Conditions to be complied with on letting of house for habitation.

114.—F79**[**...**]**

Prohibition on persons interested voting as members of housing authority or certain committees.

115.—(1) A person shall not vote as a member of a housing authority or any committee mentioned in section 110 of this Act upon any resolution or question which is proposed or arises in pursuance of this Act, if it relates to any house or other land in which he is beneficially interested and if, at the time of the vote on any such resolution or question, it is known to the person recording the vote that a member of the authority or committee is beneficially interested in any house or land to which the resolution or question relates, any vote of such member on the resolution or question shall be disregarded in determining the decision of the authority or committee on the resolution or question.

(2) A person to whom a dwelling provided under this Act is for the time being let by a housing authority, shall, for the purposes of this section, be deemed to be beneficially interested also in any other dwelling so provided and of which an authority are the owner.

(3) Any person who votes in contravention of this section shall—

(*a*) in case the person is a member of a housing authority or a member of a committee mentioned in section 110 of this Act—thereupon cease to be a member of the authority or the committee, as may be appropriate, and

(*b*) in case the person is a member of both a housing authority and such a committee—thereupon cease to be a member of both the authority and the committee,

and shall in either case be disqualified for being elected or chosen or being a member of the authority during the period which, but for the cessation of his membership under this section, would be the remainder of his term.

(4) Any person who votes in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) In case any person votes in contravention of this section or acts as a member of a housing authority or committee while disqualified for membership under this section, the fact of his giving the vote or so acting, as the case may be, shall not invalidate any resolution or proceeding of the authority or committee.

Prosecutions and offences.

116.—(1) An offence under this Act may be prosecuted by the housing authority in whose functional area the offence is committed and in case the offence relates to a function being performed by or on behalf of the Minister under section 111 of this

Act, or by a housing authority outside their functional area, the offence may be prosecuted by:

(*a*) in case the function is being performed by or on behalf of the Minister—the Minister,

(*b*) in case the function is being performed by a housing authority—that authority, or

(*c*) in case the function is being performed by a person—that person.

(2) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other officer of such body corporate, such director, manager, secretary or other officer or any person purporting to act in such capacity shall also be deemed to have committed the said offence and he as well as the body corporate shall be deemed to be guilty of the offence.

Power of authorised person to enter on land.

117.—(1) An authorised person may, subject to the provisions of this section, enter on any land at all reasonable times for any purpose connected with this Act.

(2) Without prejudice to the generality of subsection (1) of this section, an authorised person may enter on land in accordance with the said subsection (1) for the purpose of—

(*a*) survey or valuation, in the case of any house, building or other land which the housing authority by whom the authorised person was appointed may be authorised to acquire for the purposes of this Act,

(*b*) survey and examination where it appears to the housing authority by whom the authorised person was appointed that survey or examination is necessary in order to determine whether any function under this Act ought to be performed in respect of any house, building or other land.

(3) An authorised person entering on land under this section may do thereon all things reasonably necessary for the purpose for which the entry is made.

(4) Before an authorised person enters under this section on any land, the housing authority shall either obtain the consent, in the case of occupied land, of the occupier, or, in the case of unoccupied land, the owner or shall give to the owner or occupier, as the case may be, not less than fourteen days' notice in writing of the intention to make the entry.

(5) A person to whom a notice of intention to enter on land has been given under this section by the housing authority may, not later than fourteen days after the giving of such notice, apply, on notice to such authority, to the justice of the District Court having jurisdiction in the district court district in which the land is situate for an order prohibiting the entry, and, upon the hearing of the application, the justice may, if he so thinks proper, either wholly prohibit the entry or specify conditions to be observed by the person making the entry.

(6) Where a justice of the District Court prohibits under this section a proposed entry on land, it shall not be lawful for any person to enter under this section on the land, and where a justice of the District Court specifies under this section conditions to be observed by persons entering on land, every person who enters under this section on the land shall observe the conditions so specified.

(7) F80**[**Any person who, by act or omission, obstructs an authorised person in the lawful exercise of the powers conferred by this section shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding £1,000 and if the obstruction is continued after conviction the person shall be guilty of a further offence

on every day on which the obstruction continues and for each such offence shall be liable, on summary conviction, to a fine not exceeding £100.**]**

(8) In this section, "authorised person" means a person who is appointed by the housing authority to be an authorised person for the purposes of this section.

Certain dwellings to be deemed to be provided under this Act.

118.—(1) Dwellings of which a housing authority are the owner which—

(*a*) immediately before the commencement of this section were deemed, by virtue of section 16 of the Housing (Amendment) Act, 1954, to have been provided under the Housing of the Working Classes Acts, 1890 to 1958,

(*b*) immediately before the commencement of this section were deemed, by virtue of section 20 of the said Act, to have been provided under the Labourers Acts, 1883 to 1962, or

(*c*) are used by the authority for the purposes of this Act and which, apart from this section, would be dwellings not provided by the authority under this Act,

shall be deemed to be dwellings provided under this Act.

(2) A housing authority may, as respects a dwelling mentioned in subsection (1) of this section or a dwelling provided under this Act, certify that the dwelling is a dwelling so provided or a dwelling deemed to have been so provided, as may be appropriate, and in any proceedings a certificate issued by the authority under this subsection shall be *prima facie* evidence of the contents thereof and it shall not be necessary to prove any signature on the certificate.

Small dwellings.

119.—Notwithstanding section 6 of this Act, where the ownership of a house has been acquired by means of an advance under the Small Dwellings Acquisition Acts and the advance with interest was not fully paid to the housing authority before the repeal of the said Acts, then—

(*a*) the provisions of the said Acts which by reason of the making of the advance had effect in any particular case immediately before such repeal shall as respects the case continue to have effect,

(*b*) the provisions of the said Acts in relation to the application of capital money and the keeping of separate accounts shall continue in force,

until the advance with interest has been fully repaid or the authority have by virtue of this section taken possession of or ordered and conducted a sale of the house and any requirement of the said provisions as to the payment of a sum to the proprietor or the disposal of the proceeds has been satisfied.

Amendment of Housing of Working Classes Act, 1890.

120.—In the Housing of the Working Classes Act, 1890, any reference to a local authority shall be construed as a reference to a local authority within the meaning of this Act.

Savings.

121.—(1) Notwithstanding section 6 of this Act, where a charging or other order, regulation, loan, advance (other than an advance mentioned in section 119 of this Act), letting or demand is made, or charge created, or condition imposed (including a condition imposed by or under statute other than the Small Dwellings Acquisition Acts), or lease, undertaking, notice or certificate is given or other thing is made, given or done under any enactment repealed by this Act, such hereinbefore mentioned matter or thing, if in force, recoverable or enforceable immediately before such repeal, shall—

(*a*) in so far as it could have been made, created, imposed, given or done under this Act, have effect as if it were, and be regarded as having been made, created, imposed, given or done under the corresponding provision of this Act, and

(*b*) in so far as it could not have been so made, created, imposed, given or done, continue to be in force, recoverable or enforceable, and the like proceedings may be taken thereon and the like consequences shall ensue as might have been taken or would have ensued if this Act had not been enacted.

(2) Without prejudice to the generality of subsection (1) of this section:

(*a*) where, before the repeal by this Act of the Labourers Acts, 1883 to 1962 (other than the Labourers Act, 1936), land is acquired by a housing authority for the purposes of those Acts, the following shall apply:

(i) the provisions of section 22 of the Labourers (Ireland) Act, 1906, shall continue to have effect in respect of the registration of the ownership of the land or any searches made or land certificate issued to the authority in respect of the land,

(ii) the provisions of section 23 of the said Act shall continue to have effect in respect of any agreement, deed, receipt or other instrument whereby the land is vested in the authority and issued under the said Acts;

(*b*) where, before the commencement of the said section 6, land is acquired by a housing authority under Part II of the Housing (Miscellaneous Provisions) Act, 1931, the provisions of subsection (1) of section 18 of that Act shall continue to apply as respects any public right of way over the land;

(*c*) where a house is, immediately before the commencement of the said section 6, a house appropriated under section 3 of the Housing (Amendment) Act, 1942, the provisions of the said section 3 shall continue to apply in relation to the house;

(*d*) the provisions of section 32 of the Act of 1952 and the amendment effected by section 19 of the Housing (Amendment) Act, 1954, shall continue to have effect.

(3) Notwithstanding subsection (1) of this section—

(*a*) the provisions of Part II of the Housing (Management and Letting) Regulations, 1950, shall continue to apply in relation to the letting of a dwelling to which the regulations applied immediately before the commencement of section 6 of this Act as if this Act other than section 60 had not been enacted,

(*b*) where, before the commencement of the said section 6, a compulsory purchase order is made by—

(i) a housing authority under section 37 of the Housing (Miscellaneous Provisions) Act, 1931, or section 20 of the Housing (Financial and Miscellaneous Provisions) Act, 1932, or

(ii) a local authority under section 10 of the Act of 1960,

the provisions of any enactment which immediately before such commencement applied as respects the order, or the house, building or other land to which the order relates, or any right, title, interest or easement in or over such house, building or other land shall continue so to apply.

(4) Any acquisition, sale or lease of land by a housing authority effected before the 22nd day of July, 1952, which would be valid if effected by virtue of section 8 or 11 of the Housing (Ireland) Act, 1919, as amended by section 31 of the Act of 1952, shall continue to be deemed always to have been validly effected under the Housing of

the Working Classes Acts and shall henceforth be deemed to have been validly effected under this Act.

(5) In this Act, "under this Act" when used in relation to any land, housing accommodation or other property or in relation to any other matter or thing and any other expression, describing any matter or thing by reference to this Act or to any provision of this Act, shall, save where the context otherwise requires, be construed as including a reference to any Act repealed by this Act or to the corresponding provision of any Act so repealed.

(6) Any document referring to any enactment repealed by this Act shall, save where the context otherwise requires, be construed as referring to the corresponding provisions of this Act.

(7) Nothing in this section shall be held to prejudice or affect the general application of section 20 of the Interpretation Act, 1937.

Section 6.

FIRST SCHEDULE

Repeals

Session and Chapter or Number and Year	Short Title	Extent of Repeal
41 & 42 Vict., c. 52.	Public Health (Ireland) Act, 1878.	Sections 82 to 86 and sections 100 and 101.
44 & 45 Vict., c. 38.	Public Works Loans Act, 1881.	Section 11.
46 & 47 Vict., c. 60.	Labourers (Ireland) Act, 1883.	The whole Act.
48 & 49 Vict., c. 77.	Labourers (Ireland) Act, 1885.	The whole Act.
49 & 50 Vict., c. 59.	Labourers (Ireland) Act, 1886.	The whole Act.
53 & 54 Vict., c. 16.	Working Classes Dwellings Act, 1890.	The whole Act.
53 & 54 Vict., c. 70.	Housing of the Working Classes Act, 1890.	The whole Act except section 1 and the Second Schedule.
54 & 55 Vict., c. 48.	Purchase of Land (Ireland) Act, 1891.	Section 38.
54 & 55 Vict., c. 71.	Labourers (Ireland) Act, 1891.	The whole Act.
55 Vict., c. 7.	Labourers (Ireland) Act, 1892.	The whole Act.
56 & 57 Vict., c. 33.	Housing of the Working Classes Act, 1893.	The whole Act.
59 & 60 Vict., c. 11.	Housing of the Working Classes (Ireland) Act, 1896.	The whole Act.
59 & 60 Vict., c. 53.	Labourers (Ireland) Act, 1896.	The whole Act.
62 & 63 Vict., c. 44.	Small Dwellings Acquisition Act, 1899.	The whole Act.
3 Edw. 7, c. 37.	Irish Land Act, 1903.	Part IV and subsection (4) of section 100.
6 Edw. 7, c. 37.	Labourers (Ireland) Act, 1906.	The whole Act.
8 Edw. 7, c. 58.	Local Registration of Title (Ireland) Amendment Act, 1908.	The whole Act.

8 Edw. 7, c. 61.	Housing of the Working Classes (Ireland) Act, 1908.	The whole Act.
9 Edw. 7, c. 42.	Irish Land Act, 1909.	Sections 10 and 11.
1 & 2 Geo. 5, c. 19.	Labourers (Ireland) Act, 1911.	The whole Act.
4 & 5 Geo. 5, c. 32.	Labourers (Ireland) Act, 1914.	The whole Act.
4 & 5 Geo. 5, c. 52.	Housing (No. 2) Act, 1914.	The whole Act.
4 & 5 Geo. 5, c. 71.	Housing (No. 2) (Amendment) Act, 1914.	The whole Act.
6 & 7 Geo. 5, c. 12.	Local Government (Emergency Provisions) Act, 1916.	Subsection (4) of section 13.
8 & 9 Geo. 5, c. 20.	Labourers (Ireland) Act, 1918.	The whole Act.
9 & 10 Geo. 5, c. 45.	Housing (Ireland) Act, 1919.	The whole Act except sections 31, 35, 36 and the Third Schedule.
9 & 10 Geo. 5, c. 55.	Labourers (Ireland) Act, 1919.	The whole Act.
9 & 10 Geo. 5, c. 99.	Housing (Additional Powers) Act, 1919.	The whole Act.
10 & 11 Geo. 5, c. 61.	Public Works Loans Act, 1920.	Sections 2 and 5.
11 & 12 Geo. 5, c. 19.	Housing Act, 1921.	The whole Act.
No. 14 of 1924.	Housing (Building Facilities) Act, 1924.	The whole Act.
No. 54 of 1924.	Housing (Building Facilities) (Amendment) Act, 1924.	The whole Act.
No. 12 of 1925.	Housing Act, 1925.	The whole Act.
No. 31 of 1928.	Housing Act, 1928.	The whole Act.
No. 12 of 1929.	Housing Act, 1929.	The whole Act.
No. 22 of 1930.	Housing Act, 1930.	The whole Act.
No. 50 of 1931.	Housing (Miscellaneous Provisions) Act, 1931.	The whole Act.
No. 19 of 1932.	Housing (Financial and Miscellaneous Provisions) Act, 1932.	The whole Act.

No. 30 of 1934.	Housing (Financial and Miscellaneous Provisions) Act, 1934.	The whole Act.
No. 13 of 1936.	Housing (Financial and Miscellaneous Provisions) (Amendment) Act, 1936.	The whole Act.
No. 24 of 1936.	Labourers Act, 1936.	Sections 4, 8, 9, 10, 12 and 18; paragraph (*e*) of subsection (5) of section 24; in paragraph (*a*) of subsection (2) of section 27 the words "(in this subsection referred to as theconsolidatedholding)"; paragraph (*c*) of that subsection; subparagraph (iii) of paragraph (*d*) of that subsection.
No. 42 of 1937.	Housing and Labourers Act, 1937.	Part II and Schedule.
No. 3 of 1939.	Housing (Amendment) Act, 1939.	The whole Act.
No. 10 of 1940.	Housing (Amendment) Act, 1940.	The whole Act.
No. 12 of 1940.	County Management Act, 1940.	Paragraph 11 of the Second Schedule.
No. 18 of 1941.	Housing (Amendment) Act, 1941.	The whole Act.
No. 15 of 1942.	Housing (Amendment) Act, 1942.	The whole Act.
No. 1 of 1944.	Housing (Amendment) Act, 1944.	The whole Act.
No. 2 of 1946.	Housing (Amendment) Act, 1946.	The whole Act.
No. 1 of 1948.	Housing (Amendment) Act, 1948.	The whole Act.
No. 23 of 1949.	Housing (Amendment) Act, 1949.	The whole Act.
No. 25 of 1950.	Housing (Amendment) Act, 1950.	The whole Act.
No. 16 of 1952.	Housing (Amendment) Act, 1952.	The whole Act.
No. 16 of 1954.	Housing (Amendment) Act, 1954.	The whole Act.

No. 31 of 1956.	Housing (Amendment) Act, 1956.	The whole Act.
No. 11 of 1957.	Small Dwellings Acquisition Act, 1957.	The whole Act.
No. 27 of 1958.	Housing (Amendment) Act, 1958.	The whole Act.
No. 13 of 1960.	Housing (Amendment) Act, 1960.	The whole Act.
No. 27 of 1962.	Housing (Loans and Grants) Act, 1962.	The whole Act.
No. 24 of 1965.	The Labourers Act, 1965.	The whole Act.

Section 66.

SECOND SCHEDULE

Matters to which a Housing Authority are to have Regard in Considering Whether a House is Unfit for Human Habitation.

1. Stability;
2. Resistance to spread of fire;
3. Safety of staircases and common passages including the state of paving in any yard or open space appurtenant to the house;
4. Resistance to moisture;
5. Resistance to transmission of heat;
6. Resistance to transmission of sound;
7. Resistance to infestation;
8. Water supply, sanitary arrangements and drainage;
9. Air space and ventilation;
10. Natural and artificial lighting;
11. Facilities for preparing, storing and cooking food;
12. The extent to which the house does not comply with any standard or requirement (other than a standard or requirement relating to any matter hereinbefore mentioned) of building bye-laws in force in the area under the Local Government (Sanitary Services) Acts, 1878 to 1964, or building regulations in force in the area under the Local Government (Planning and Development) Act, 1963.

Section 76.

THIRD SCHEDULE

Provisions Applicable As Respects Compulsory Purchase Orders

1. A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it relates and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

(*a*) the Lands Clauses Acts (except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845, and article 20 of the Second Schedule to the Act of 1890);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919.

2. The modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in a compulsory purchase order shall be as follows:

(*a*) where the purchase money or compensation payable to a person claiming any interest in land does not exceed the sum of F81**[**£15,000**]**, and the claimant gives *prima facie* evidence that he is a person having power to sell under the Land Purchase Acts or the Lands Clauses Acts, and satisfies the housing authority that, for not less than six years immediately preceding, he, or his immediate predecessor in title, has been personally, or by an agent, in receipt of the rents or profits of the land, or in actual occupation thereof, the claimant may be dealt with by the authority as the absolute owner of the interest in respect of which he claims, and the purchase money or compensation may be paid to him;

(*b*) where any interest in land, in respect of which purchase money or compensation not exceeding the sum of F81**[**£15,000**]** is payable, is subject to any mortgage or charge, the amount of the purchase money or compensation may be paid to the person entitled to the mortgage or charge, or if there is more than one such mortgage or charge, then to the person entitled to the mortgage or charge which is first in priority, and the amount so paid shall be received in reduction of the principal sum for the time being owing in respect of the mortgage or charge, notwithstanding any direction, proviso, or covenant to the contrary contained in any instrument;

(*c*) where a housing authority have, pursuant to paragraph (*a*) or (*b*) of this article, paid purchase money or compensation, not exceeding the sum of F81**[**£15,000**]**, to any person, the person shall give the authority a receipt in the prescribed form for the purchase money or compensation and, except in the case of land to which a vesting order applies, the receipt shall, where it is given by a person who may be dealt with as absolute owner or by a person entitled to a mortgage or charge on the interest of any such person be effectual to vest absolutely in the authority, free from encumbrances and all estates, rights, titles and interests of whatsoever kind (other than a public right of way) the fee simple of the land in respect of which the purchase money or compensation was paid;

(*d*) a memorandum of the amount paid under paragraph (*b*) of this article shall, where practicable, be endorsed on the instrument creating the mortgage or charge, and shall be signed by the person receiving the purchase money or compensation, and a copy of the memorandum shall be furnished by the housing authority to all persons appearing to the authority to be entitled to any interest in the land subject to the mortgage or charge;

(*e*) a copy of the receipt mentioned in paragraph (c) of this article shall, on the request of any person entitled to any estate or interest in the land in respect of which the purchase money or compensation was paid, be furnished by the housing authority to that person;

(*f*) any person claiming to be entitled to any purchase money or compensation paid to another person under this article, may, within six years after the

payment has been made, make an application to the Circuit Court and on the hearing the court may, as it thinks proper, either dismiss the application or make a decree against the housing authority for the amount found due in respect of the claim and the amount for which any such decree is made shall be a debt due to the authority by the person to whom the money was paid by them;

(*g*) if—

(i) it appears to the housing authority that the person making any claim for purchase money or compensation in respect of land, or any estate or interest in land, is not absolutely entitled to the land, estate or interest, or

(ii) the title to such land, estate, or interest is not satisfactorily shown to the housing authority,

and the purchase money or compensation does not exceed F81**[**£40,000**]**, the authority may pay it into the Circuit Court and the court shall thereupon have with respect thereto all the jurisdiction exercisable by the High Court under the Lands Clauses Acts and the authority shall thereupon have with respect to the land, estate or interest all the like rights and powers as if the purchase money or compensation had been paid into the High Court;

(*h*) section 72 of the Lands Clauses Consolidation Act, 1845, shall have effect as if "F81**[**£15,000**]**" were substituted therein for "twenty pounds";

(*i*) notwithstanding the repeal by this Act of the Housing (Miscellaneous Provisions) Act, 1931, "two" shall continue to be substituted for "three" in article 6 of the Second Schedule to the Act of 1890;

(*j*) article 24 of the Second Schedule to the Act of 1890, as amended by section 31 of the Act of 1948 (repealed by this Act) shall have effect as if "at which, on the date of such entry the local authority could borrow from the local loans fund" was substituted for "of three pounds per centum per annum";

(*k*) the compensation shall be assessed in accordance with such of the provisions of this Act relating to the assessment of compensation in respect of land acquired compulsorily as are applicable to the particular case;

(*l*) the arbitrator shall not take into account—

(i) any interest in land created after the date on which notice of the order having been made is published in accordance with article 4 of this Schedule, or

(ii) any building erected or any improvement or alteration made after the said date if, in the opinion of the arbitrator, the erection of the building or the making of the improvement or alteration was not reasonably necessary and was carried out with a view to obtaining or increasing compensation.

3. If the compulsory purchase order relates to land which includes a house and the house is, in the opinion of the housing authority, unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense, the house shall be described in the prescribed manner in the order.

4. Before submitting the compulsory purchase order to the Minister the housing authority shall—

(*a*) publish in one or more newspapers circulating in their functional area a notice in the prescribed form stating the fact of such an order having been made

and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(*b*) serve on every owner, lessee and occupier F82**[**...**]** of any land to which the order relates a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation and specifying the time within which and the manner in which objections can be made thereto.

5. (1) Where a compulsory purchase order has been submitted to the Minister, he may, if he thinks fit, and subject to the following provisions of this article—

(*a*) annul the order by an annulment order, or

(*b*) confirm the order with or without modification by a confirmation order,

as respects all or part of the land to which the compulsory purchase order relates and in case the Minister makes an annulment order or a confirmation order in respect of part of such land, the Minister may make an annulment order or a confirmation order or a further annulment or confirmation order, as the case may be, in respect of any part of such land to which neither a previously made annulment order nor a previously made confirmation order relates.

(2) The Minister shall not confirm a compulsory purchase order in so far as it relates to any land in respect of which an objection is duly made by any of the persons upon whom notices of the making of the order are required to be served until he has caused to be held a public local inquiry into such objection and until he has considered such objection and the report of the person who held the inquiry, unless—

(*a*) such objection is withdrawn, or

(*b*) the Minister is satisfied that such objection relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation may have to be assessed.

(3) An order made by the Minister shall not—

(*a*) authorise the housing authority to acquire compulsorily any land which the relevant compulsory purchase order would not have authorised them so to acquire if it had been confirmed without modification;

(*b*) authorise the housing authority to acquire as being a house unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense any house not so described in the original order.

(4) If the Minister is of the opinion that a house described in a compulsory purchase order as being unfit for human habitation and not capable of being rendered fit at reasonable expense ought not to have been so described, he shall annul the order in so far as it relates to the house, unless he is of the opinion that the house may properly be acquired by the housing authority, in which case he shall modify the order so as to authorise the authority to acquire the house and to pay compensation in respect thereof assessed in accordance with Part II of the Fourth Schedule to this Act.

(5) In construing any enactment incorporated in a compulsory purchase order—

(*a*) any reference to the special Act shall be construed as a reference to this Act together with the order;

(*b*) any reference to the confirming authority shall be construed as a reference to the Minister;

(*c*) any reference to a local authority or the promoters of the undertaking shall be construed as a reference to a housing authority;

(*d*) any reference to Part I or Part II of the Act of 1890, shall be construed as a reference to this Act;

(*e*) any reference to land shall be construed as including a reference to any interest or right over land granted by or held from the authority by whom the compulsory purchase order is made.

Section 84.

FOURTH SCHEDULE

Rules Applicable as Respects Assessment of Compensation

PART I

Land Consisting of a House Unfit for Human Habitation and not Capable of being Rendered Fit for Human Habitation at Reasonable Expense

The arbitrator shall assess the compensation to be paid for the land, including the buildings thereon, as the value of the land as a site cleared of buildings and available for development in accordance with the requirements of building bye-laws in force in the area under the Local Government (Sanitary Services) Acts, 1878 to 1964, or building regulations in force in the area under the Local Government (Planning and Development) Act, 1963, less such sum as may be determined by the arbitrator to be the cost of clearing and levelling the land.

PART II

Other Land

1. If the arbitrator is satisfied with respect to any premises that the rental thereof was enhanced by reason of their being used for illegal purposes, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the compensation shall so far as it is based on rental, be based on the rental which would have been obtainable if the premises were occupied for legal purposes and only by the number of persons whom the premises were, under all the circumstances of the case, fitted to accommodate without such overcrowding.

2. If the arbitrator is satisfied that any premises are in a state of defective sanitation or are not in reasonably good repair the compensation shall be the estimated value of the premises if put into a sanitary condition, or reasonably good repair, less the estimated expense of putting them into such condition or repair.

3. The housing authority may tender evidence as to the matters aforesaid, notwithstanding that they have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

Number 21 *of* 1966

HOUSING ACT 1966

REVISED

Updated to 1 January 2024

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Housing Acts 1966 to 2021: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Affordable Housing Act 2021* (25/2021), s. 1(2)). The Acts in this group are:

- *Housing Act 1966* (21/1966)
- *Housing (Miscellaneous Provisions) Act 1979* (27/1979)
- *Housing Act 1988* (28/1988), other than ss. 27 and 28
- *Housing (Miscellaneous Provisions) Act 1992* (18/1992), other than ss. 29 and 30 and ss. 38(3) and (4)
- *Housing (Miscellaneous Provisions) Act 1997* (21/1997), other than ss. 16, 17 and 24(3)
- *Housing (Traveller Accommodation) Act 1998* (33/1998), other than ss. 26 and 27
- *Housing (Miscellaneous Provisions) Act 2002* (9/2002), other than ss. 17 to 20, 22, 23 and 24 and schs. 2 and 3
- *Housing (Miscellaneous Provisions) Act 2004* (43/2004), other than s. 2
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009), other than s. 100
- *Housing (Amendment) Act 2013* (22/2013)
- *Local Government Reform Act 2014* (1/2014), ss. 1(4), 5(3), sch. 2 part 1, sch. 4 paras. 1 and 14m and sch. 4 para. 16, in so far as they relate to the Housing Act 1966
- *Housing (Miscellaneous Provisions) Act 2014* (21/2014)
- *Residential Tenancies (Amendment) Act 2015*(42/2015), ss. 1(3), 15, 85 and 87
- *Housing (Regulation of Approved Housing Bodies) Act 2019* (47/2019), s. 67
- *Affordable Housing Act 2021* (25/2021), s. 1(2)

Acts previously included in this collective citation and construction but now repealed are:

- *Housing Act 1969* (16/1969)
- *Housing Act 1970* (18/1970)
- *Housing Act 1984* (1/1984)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.