



Number 28 of 1988

HOUSING ACT 1988

REVISED

Updated to 31 January 2018

This Revised Act is an administrative consolidation of the *Housing Act 1988*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Intoxicating Liquor (Amendment) Act 2018* (1/2018), enacted 31 January 2018, and all statutory instruments up to and including *Garda Síochána Act 2005 (Retirement) Regulations 2018* (S.I. No. 28 of 2018), made 6 February 2018, were considered in the preparation of this Revised Act.

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Introduction

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

Cork City Management Acts 1929 to 1994: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Local Government Act 1994* (8/1994), s. 1(3)). The Acts in this group are:

- *Cork City Management (Amendment) Act 1941* (5/1941)
- *Local Government (Rateability of Rents) (Abolition) Act 1971* (15/1971), in so far as it amends the Cork City Management Acts 1929 to 1965
- *Housing Act 1988* (28/1988), s. 27
- *Local Government Act 1991* (11/1991), in so far as it relates to the management of the county borough of Cork
- *Local Government Act 1994* (8/1994), in so far as it relates to the management of the county borough of Cork

Acts previously included in this collective citation and construction but now repealed are:

- *Cork City Management Act 1929* (1/1929)
- *City and County Management (Amendment) Act* (12/1955), in so far as it relates to the county borough of Cork
- *Cork City Management (Amendment) Act 1965* (8/1965)

County Management Acts 1940 to 1994: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Local Government Act 1994* (8/1994), s. 1(3)). The Acts in this group are:

- *Local Government (Reorganisation) Act 1985* (7/1985), s. 7
- *Housing Act 1988* (28/1988), s. 27
- *Local Government Act 1991* (11/1991), in so far as it relates to the management of counties, elective bodies and the county borough of Galway
- *Local Government (Dublin) Act 1993* (31/1993)
- *Local Government Act 1994* (8/1994), in so far as it relates to the management of counties, elective bodies and the county borough of Galway

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

- *County Management Act 1940* (12/1940)
- *County Management (Amendment) Act 1942* (13/1942)
- *City and County Management (Amendment) Act 1955* (12/1955), in so far as it relates to counties and elective bodies
- *County Management (Amendment) Act 1972* (32/1972)

Housing Acts 1966 to 2015: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Residential Tenancies (Amendment) Act 2015* (42/2015), s. 1(3)). 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 s. 24(3)
- *Housing (Traveller Accommodation) Act 1998* (33/1998), other than ss. 26 and 27
- *Housing (Miscellaneous Provisions) Act 2002* (9/2002), apart from ss. 17-20, 22, 23 and 24 and Schedules 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), Schedule 2, Part 1, Schedule 4, paras. 1 and 14 and Schedule 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

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)

Limerick City Management Acts 1934 to 1994: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Local Government Act 1994* (8/1994), s. 1(6)). The Acts in this group are:

- *Local Government (Rateability of Rents) (Abolition) Act 1971* (15/1971), in so far as it amends the Limerick City Management Acts 1934 to 1955
- *Housing Act 1988* (28/1988), s. 27
- *Local Government Act 1991* (11/1991), in so far as it relates to the management of the county borough of Limerick
- *Local Government Act 1994* (8/1994), in so far as it relates to management of the county borough of Limerick

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

- *Limerick City Management Act 1934* (35/1934)
- *Limerick City Management Act 1950* (24/1950)
- *City and County Management (Amendment) Act 1955* (12/1955), in so far as it relates to the county borough of Limerick

Local Government (Dublin) Acts 1930 to 1994: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Local Government Act 1994* (8/1994), s. 1(5)). The Acts in this group are:

- *Local Government (Dublin) Act 1930* (27/1930)
- *Local Government (Rateability of Rents) (Abolition) Act 1971* (15/1971), in so far as it amends the Local Government (Dublin) Acts 1930 to 1971
- *Local Government (Reorganisation) Act 1985* (7/1985), Part III
- *Housing Act 1988* (28/1988), s. 27

- *Local Government Act 1991* (11/1991), in so far as it relates to the management of the county borough of Dublin
- *Local Government (Dublin) Act 1993* (31/1993)
- *Local Government Act 1994* (8/1994), in so far as it relates to the management of the county borough of Dublin

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

- *Local Government (Dublin) Act 1935* (10/1935)
- *Local Government (Dublin) (Amendment) Act 1940* (21/1940)
- *Local Government (Dublin) Act 1945* (8/1945)
- *Local Government (Dublin) (Amendment) Act 1953* (10/1953)
- *City and County Management (Amendment) Act 1955* (12/1955)
- *Local Government (Dublin) Act 1967* (4/1967)

Vagrancy Acts 1824 to 1994: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Criminal Justice (Public Order) Act 1994* (2/1994), s. 1(2)). The Acts in this group are:

- *Vagrancy Act 1824* (5 Geo. 4. c. 83), as applied to Ireland by *Prevention of Crimes Act 1871*, s. 15
- *Housing Act 1988* (28/1988), s. 28
- *Criminal Justice (Public Order) Act 1994* (2/1994), s. 12

Waterford City Management Acts 1939 to 1994: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Local Government Act 1994* (8/1994), s. 1(7)). The Acts in this group are:

- *Local Government (Rateability of Rents) (Abolition) Act 1971* (15/1971), in so far as it amends the *Waterford City Management Acts 1939 and 1955*
- *Housing Act 1988* (28/1988), s. 27
- *Local Government Act 1991* (11/1991), so much of this Act as relates to the management of the county borough of Waterford
- *Local Government Act 1994* (8/1994), so much of this Act as relates to the management of the county borough of Waterford

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

- *Waterford City Management Act 1939* (25/1939)
- *City and County Management (Amendment) Act 1955* (12/1955), so much of this Act as relates to the county borough of Waterford

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1994, may be found linked from the page of the Act or statutory instrument at

Acts which affect or previously affected this revision

- *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (S.I. No. 24 of 2010)
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009)
- *Registration of Deeds and Title Act 2006* (12/2006)
- *Health Act 2004* (42/2004)
- *Housing (Miscellaneous Provisions) Act 2002* (9/2002)
- *Local Government Act 2001* (37/2001)
- *Housing (Traveller Accommodation) Act 1998* (33/1998)
- *Finance Act 1998* (3/1998)
- *Housing (Miscellaneous Provisions) Act 1997* (21/1997)
- *Local Government (Dublin) Act 1993* (31/1993)
- *Housing (Miscellaneous Provisions) Act 1992* (18/1992)

All Acts up to and including *Intoxicating Liquor (Amendment) Act 2018* (1/2018), enacted 31 January 2018, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2015* (S.I. No. 318 of 2015)
- *European Union (Capital Requirements) Regulations 2014* (S.I. No. 158 of 2014)
- *Registry of Deeds (Fees) Order 2008* (S.I. No. 51 of 2008)
- *Housing (Site Subsidy) Regulations 2005* (S.I. No. 916 of 2005)
- *Housing (Accommodation Provided by Approved Bodies) Regulations, 1992 (Amendment) Regulations 2002* (S.I. No. 106 of 2002)
- *Housing (Mortgage Allowance) Regulations, 1993 (Amendment) Regulations 1998* (S.I. No. 153 of 1998)
- *Housing (Accommodation Provided by Approved Bodies) Regulations, 1992 (Amendment) Regulations 1998* (S.I. No. 151 of 1998)
- *Housing (Miscellaneous Provisions) Regulations, 1988 (Amendment) Regulations 1998* (S.I. No. 537 of 1998)
- *Housing (Miscellaneous Provisions) Regulations, 1988 (Amendment) Regulations, 1993* (S.I. No. 157 of 1993)
- *Housing (Mortgage Allowance) Regulations 1993* (S.I. No. 32 of 1993)
- *Housing (Accommodation Provided by Approved Bodies) Regulations 1992* (S.I. No. 86 of 1992)
- *Housing Act, 1988 (Commencement) Order 1990* (S.I. No. 33 of 1990)
- *Housing Act, 1988 (Commencement) Order 1989* (S.I. No. 40 of 1989)
- *Housing (Miscellaneous Provisions) Regulations 1988* (S.I. No. 362 of 1988)
- *Housing Act, 1988 (Commencement) (No. 2) Order 1988* (S.I. No. 295 of 1988)
- *Housing Act, 1988 (Commencement) Order 1988* (S.I. No. 199 of 1988)

All statutory instruments up to and including *Garda Síochána Act 2005 (Retirement) Regulations 2018* (S.I. No. 28 of 2018), made 6 February 2018, were considered in the preparation of this revision.



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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Homeless persons for the purposes of this Act.
3. Subsidy for acquisition or construction of houses.
4. Grant on surrender of certain houses.
5. Assistance by housing authorities of certain bodies. *(Repealed)*
6. Expenses of social workers.
7. Validation.
8. Estimate of housing requirements.
9. Housing assessments. *(Repealed)*
10. Additional provisions regarding accommodation for homeless persons.
11. Schemes of priorities for letting dwellings. *(Repealed)*
12. Reconstruction or improvement of certain houses provided by housing authorities.
13. Provision of sites for travellers.
14. Provision of sites for private housing.
15. Grants or subsidies by Minister for dwellings, sites and assistance provided by housing authorities. *(Repealed)*
16. Guarantees by housing authorities.
17. Mortgage of houses sold or leased by housing authorities.
18. Discharge of mortgage.
19. Application of certain sections of Part II of Principal Act.
20. Additional provisions relating to sections 56 to 58 of Principal Act and to *section 12*. *(Repealed)*
21. Amendment of section 2 of Principal Act.
22. Amendment of section 108 of Principal Act.
23. Repeal of section 13 of Act of 1979 and consequential provisions.
24. Amendment of section 3 of Act of 1979. *(Repealed)*

Section

25. Amendment of section 4 of Act of 1979.
26. Amendment of section 7 of Act of 1979.
27. Amendment of City and County Management (Amendment) Act, 1955. (*Repealed*)
28. Amendment of Vagrancy Act, 1824.
29. Offences.
30. Repeals.
31. Short title, construction, collective citation and commencement.

SCHEDULE

ENACTMENTS REPEALED

 ACTS REFERRED TO

Central Bank Act, 1971	1971, No. 24
City and County Management (Amendment) Act, 1955	1955, No. 12
Companies Act, 1963	1963, No. 33
Cork City Management Acts, 1929 to 1971	
County Management Acts, 1940 to 1985	
Credit Union Act, 1966	1966, No. 19
Health Act, 1970	1970, No. 1
Housing Act, 1966	1966, No. 21
Housing Act, 1969	1969, No. 16
Housing (Miscellaneous Provisions) Act, 1979	1979, No. 27
Housing Act, 1984	1984, No. 1
Housing Acts, 1966 to 1979	
Housing Finance Agency Act, 1981	1981, No. 37
Industrial and Provident Societies Acts, 1893 to 1978	
Insurance Acts, 1909 to 1985	
Labourers Act, 1936	1936, No. 24
Limerick City Management Acts, 1934 to 1971	
Local Government (Dublin) Acts, 1930 to 1985	
Prevention of Crimes Act, 1871	34 & 35 Vict. c. 112
Registration of Deeds Act, 1707	6 Anne, c. 2
Registration of Title Act, 1964	1964, No. 16
Registry of Deeds (Ireland) Act, 1832	2 & 3 Will. 4. c. 87
Towns Improvement (Ireland) Act, 1854	17 & 18 Vict. c. 103
Trustee Savings Banks Acts, 1863 to 1979	
Vagrancy Act, 1824	5 Geo. 4. c. 83
Waterford City Management Acts, 1939 to 1971	



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AN ACT TO AMEND AND EXTEND THE HOUSING ACTS, 1966 TO 1979, TO AMEND THE VAGRANCY ACT, 1824, AND THE CITY AND COUNTY MANAGEMENT (AMENDMENT) ACT, 1955, AND TO PROVIDE FOR CERTAIN OTHER MATTERS IN RELATION TO HOUSING AND IN RELATION TO THE DISCHARGE OF MORTGAGES. [13th July, 1988]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

- C1** Application of collectively cited *Housing Acts* restricted (1.07.1997) by *Housing (Miscellaneous Provisions) Act 1997* (21/1997), s. 14(1), S.I. No. 247 of 1997, commenced on enactment, and s. 14A as inserted (11.09.1998) by *Housing (Traveller Accommodation Act 1998* (33/1998), s. 35(b), S.I. No. 328 of 1998; as substituted (13.04.2015) by *Housing (Miscellaneous Provisions) Act 2014* (21/2014), s. 19(9), (10), S.I. No. 121 of 2015.

Letting and sale of local authority housing.

14.—[(1) Notwithstanding anything contained in the Housing Acts 1966 to 2014, or in an allocation scheme made under section 22 of the Housing (Miscellaneous Provisions) Act 2009, a housing authority may—

- (a) refuse to allocate, or defer the allocation of, a dwelling to which subsection (1) of the said section 22 refers, to a household where—
 - (i) the authority considers that any member of the household is or has been engaged in anti-social behaviour or that an allocation to that household would not be in the interest of good estate management, or
 - (ii) the household fails to provide information, including information relating to members residing together or proposing to reside together as part of the household, which is requested by the authority and which the authority considers necessary in connection with an allocation,
- or
- (b) refuse to permit a person, or defer permitting a person, to take up or resume residence or enter or be in a dwelling to which section 22(1)(a) of the said Act refers where—
 - (i) the authority considers that the person is or has been engaged in anti-social behaviour or that such permission would not be in the interest of good estate management, or

- (ii) the tenant of the dwelling or the person concerned fails to provide information that is requested by the authority and which the authority considers necessary in connection with deciding whether to give, refuse or defer such permission.]

...

[Authorisation to occupy caravan on site

14A. Notwithstanding anything contained in the Housing Acts 1966 to 2014, a housing authority may refuse or defer an authorisation to a person to occupy a caravan on a site where—

- (a) the authority considers that that person or a member of his or her household is or has been engaged in anti-social behaviour or that the occupation by that person or household member of a caravan on the site would not be in the interest of good estate management, or
- (b) that person fails to provide information, including information relating to persons residing or to reside with that person, which is requested by the authority and which the authority considers necessary in respect of the application for such authorisation.]

- C2** Reference to “a housing authority” under collectively cited *Housing Acts* construed (1.09.1992) by *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 23(1) and (2), S.I. No. 223 of 1992); as substituted (27.06.2002) by *Housing (Miscellaneous Provisions) Act 2002* (9/2002), s. 16(a), S.I. No. 329 of 2002; as substituted (1.02.2010) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 8 and sch. 2 part 4 item 5, S.I. No. 540 of 2009; and as substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Definition of housing authority and transfer of functions.

23.—(1) A reference in the Housing Acts 1966 to 2014 to a housing authority is a reference to a local authority and references to the functional area of a housing authority shall be construed accordingly;

...]

- C3** Reference to “county council”, “city council” and “county council and a city council”, and reference to “the administrative area of a county council”, “the administrative area of a city council” and “the administrative area of a county council and the administrative area of a city council” construed (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 9(2), (3), S.I. No. 214 of 2014.

Cesser and amalgamation of certain local government areas

9. ...

(2) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

- (a) to a county council or a city council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a county council or to a city council, as the case may be) shall, if the context permits, be read as a reference to a county council, a city council or a city and county council, and
- (b) to a county council and a city council (including a reference so construed) shall, if the context permits, be read as a reference to a county council, a city council and a city and county council.

(3) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

- (a) to the administrative area of a county council or the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council or the administrative area of a city and county council, and
- (b) to the administrative area of a county council and the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council and the administrative area of a city and county council.

- C4** Application of collectively cited *Housing Acts* potentially restricted (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), reg. 42(22), in effect as per reg. 1(3).

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites

42. ...

(22) Notwithstanding any provision of any statute listed in the *Second Schedule* that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies.

...

SECOND SCHEDULE

...

Housing Acts 1966 to 2009

...

- C5** Power granted to Minister to issue guidelines and codes of practice, and a licence, consent, permission, permit, derogation or other authorisation given under collectively cited *Housing Acts 1966 to 2009* may require compliance with an issued guideline and code of practice as provided (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), regs. 63(3), 71 and sch. 2.

General provisions regarding licences etc

63. ...

(3) A person who fails to comply with the terms, conditions, restrictions or requirements of a licence, consent, permission, permit, derogation or other authorisation given by a public authority pursuant to or in accordance with these Regulations shall be guilty of an offence.

...

Guidelines and codes of practice

71. (1) The Minister may issue guidelines and codes of practice in relation to the performance of the functions of public authorities insofar as the requirements of these Regulations, the Habitats Directive or the Birds Directive apply to those functions, or in relation to the general duties of other persons to which these Regulations apply.

...

SECOND SCHEDULE

Number	Year	Short Title/Citation
		Housing Acts 1966 to 2009

- C6** Power granted to Minister to give directions and issue guidelines under collectively cited *Housing Acts 1966 to 2009* (1.12.2009) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), ss. 4, 5, S.I. No. 449 of 2009.

Ministerial directions.

4.— (1) The Minister may, from time to time, as he or she considers appropriate, give general policy directions in writing to a housing authority in relation to the performance by the housing authority of any of its functions under the *Housing Acts 1966 to 2009* and the housing authority shall comply with any such directions.

...

Guidelines.

5.— (1) The Minister may, from time to time, as he or she considers appropriate, issue to housing authorities such guidelines in relation to the performance of their functions under the *Housing Acts 1966 to 2009* as he or she considers appropriate and housing authorities shall have regard to such guidelines in the performance of those functions.

...

- C7** Certain functions under collectively cited *Housing Acts 1966 to 2009* transferred to Health Service Executive (1.01.2005) by *Health Act 2004* (42/2004), s. 59(1) and sch. 3 item 43, S. I. No. 887 of 2004.

Transfer of functions of specified bodies to Executive.

59.—(1) The functions that, immediately before the establishment day, were the functions of a specified body under or in connection with the enactments referred to in Schedule 3 are, by this Act, transferred to the Executive on that day.

...

SCHEDULE 3

Transfer of Functions and References to Functional Areas

...

43. Housing Acts 1966 to 2002

- C8** Reference to “a functional area of a health board”, “the Eastern Regional Health Authority” and “an Area Health Board” under collectively cited *Housing Acts 1966 to 2009* construed (1.01.2005) by *Health Act 2004* (42/2004), s. 67(2) and sch. 3 item 43, S.I. No. 887 of 2004.

Functional areas of dissolved health boards.

67.— ...

(2) References (however expressed) in any enactment referred to in *Schedule 3* to a functional area of a health board, the Eastern Regional Health Authority or an Area Health Board are on and after the establishment day to be read as references to—

- (a) the corresponding functional area of the Executive or that area as redefined in accordance with this section, or
- (b) if the context so requires, the area comprising all of the corresponding functional areas of the Executive or comprising all of those areas as redefined in accordance with this section.

...

SCHEDULE 3

Transfer of Functions and References to Functional Areas

...

43. Housing Acts 1966 to 2002

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

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

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

“bank” means the holder of a licence under section 9 of the Central Bank Act, 1971, or a trustee savings bank certified under the Trustee Savings Banks Acts, 1863 to 1979;

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

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

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

“mortgage” means any instrument of mortgage or charge given as security for a loan and cognate words shall be construed accordingly;

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

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

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

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

Annotations

Modifications (not altering text):

- C9** References construed (31.03.2014) by *European Union (Capital Requirements) Regulations 2014* (S.I. No. 158 of 2014), reg. 152(c).

Construction of licence holder in enactments

152. Notwithstanding Regulation 7(1), the references, however expressed, to the holder of a licence under section 9 of the Act of 1971, in— ...

(c) any other enactment which was in force on 1 January 1993,

shall be construed so as to include any person who, but for the application of Regulation 7(1), was or would have been required to hold a licence under section 9 of the Act of 1971.

Homeless persons for the purposes of this Act.

2.—A person shall be regarded by a housing authority as being homeless for the purposes of this Act if—

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

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

and he is, in the opinion of the authority, unable to provide accommodation from his own resources.

Subsidy for acquisition or construction of houses.

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

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

- (a) the amount of a subsidy, the conditions under which it may be paid and the manner of its payment, including payment by instalments;
- (b) the payment to the body making the loan of a subsidy on behalf of the person to whom it is payable under *subsection (1)* and the conditions under which it is so paid to that body;
- (c) the class or classes of houses in respect of which a subsidy may be paid and the class or classes of persons to whom a subsidy may be paid;
- (d) requirements in relation to the loan for the house;
- (e) requirements in relation to the previous purchase or building of a house by a person or the spouse F1[or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*] of such person;
- (f) the occupation of the house;
- (g) the floor area of the house, measured in such manner as may, from time to time, be determined by the Minister;
- (h) requirements in relation to the financial and family circumstances of a person to whom a subsidy may be paid;
- (i) the time within which application for a subsidy shall be made;
- (j) requirements that a person obtaining a subsidy for a new house shall have qualified for a grant in respect of the house under section 4 of the Act of 1979; and
- (k) requirements in relation to the payment under any enactment (including this Act) of any other subsidy or grant in respect of the house.

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

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

(5) In this section “Housing Finance Agency plc” means the agency established under section 2 of the Housing Finance Agency Act, 1981.

Annotations

Amendments:

- F1** Inserted (1.01.2011) by *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (24/2010), s. 97 and sch. part 3 item 15, S.I. No. 648 of 2010.

Modifications (not altering text):

- C10** Functions under subs. (1) transferred and references construed (15.07.2015) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2015* (S.I. No. 318 of 2015), art. 3 and sch., in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

3. (1) The functions vested in the Minister for Finance by or under any of the provisions of the Acts specified in the Schedule are transferred to the Minister for Public Expenditure and Reform.

(2) References to the Minister for Finance contained in any Act or instrument made under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 28 of 1988	Housing Act 1988	Sections 3(1), 4(1), 6, 10(4) and 16(2)
...

Editorial Notes:

- E1** Previous affecting provision: power pursuant to section exercised (1.05.1998) by *Housing (Mortgage Allowance) Regulations, 1993 (Amendment) Regulations 1998* (S.I. No. 153 of 1998); revoked (19.12.2001) by *Housing (Mortgage Allowance) Regulations 2001* (S.I. No. 606 of 2001), reg. 11.
- E2** Previous affecting provision: power pursuant to section exercised (5.02.1993) by *Housing (Mortgage Allowance) Regulations 1993* (S.I. No. 32 of 1993); revoked (19.12.2001) by *Housing (Mortgage Allowance) Regulations 2001* (S.I. No. 606 of 2001), reg. 11.

Grant on surrender of certain houses.

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

(a) who, or whose spouse F2[or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*]—

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

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

and

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

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

(a) the expenses of such conveyance may be paid in whole or in part by the authority;

(b) F3[...]

(c) where the house is one in respect of which a subsidy has been paid under section 11 of the Act of 1979, the person conveying the house, notwithstanding anything to the contrary contained in a transfer order under section 90 of the Principal Act, shall not be required to refund the subsidy.

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

- (a) the amount of a grant and the conditions under which it may be paid;
- (b) the class or classes of houses in respect of which a grant may be paid and the class or classes of persons to whom a grant may be paid;
- (c) requirements in relation to the minimum period of residence, whether as tenant or owner, of an applicant for a grant or the spouse F2 [or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*] of such applicant in a house provided or owned by a housing authority, or in accommodation being surrendered to the Minister for Defence, as the case may be;
- (d) the occupation of the house being purchased or built;
- (e) the class or classes of houses or accommodation which may be surrendered or conveyed;
- (f) requirements that the house being purchased or built shall be suitable for the needs of the applicant for a grant and for those who might reasonably be expected to reside with him;
- (g) requirements in relation to the financial and family circumstances of the applicant for a grant;
- (h) matters of procedure and administration, including the discharge by specified housing authorities of specified functions in relation to the grants; and
- (i) requirements in relation to the payment under any enactment (including this Act) of any other grant, subsidy or assistance in respect of the house being purchased or built.

(4) A grant shall not be paid under this section unless the house or accommodation surrendered in accordance with *subsection (1) (a)* and the house purchased or built in accordance with *subsection (1) (b)* complies with such conditions, if any, as may, from time to time, be determined by the Minister for the purposes of this section in relation to standards including standards of construction, repair and services.

Annotations

Amendments:

- F2** Inserted (1.01.2011) by *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (24/2010), s. 97 and sch. part 3 item 16, S.I. No. 648 of 2010).
- F3** Repealed (27.03.1998) by *Finance Act 1998* (3/1998), s. 125 and sch. 8, commenced on enactment.

Modifications (not altering text):

- C11** Functions under subs. (1) transferred and references construed (15.07.2015) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2015* (S.I. No. 318 of 2015), art. 3 and sch., in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

3. (1) The functions vested in the Minister for Finance by or under any of the provisions of the Acts specified in the Schedule are transferred to the Minister for Public Expenditure and Reform.

(2) References to the Minister for Finance contained in any Act or instrument made under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule		
Number and Year (1)	Short Title (2)	Provision (3)
...
No. 28 of 1988	Housing Act 1988	Sections 3(1), 4(1), 6, 10(4) and 16(2)
...

Assistance by housing authorities of certain bodies.

5. F4[...]

Annotations

Amendments:

- F4** Repealed (1.09.1992) by *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 37 and sch., S.I. No. 223 of 1992.

Editorial Notes:

- E3** Previous affecting provision: bodies standing approved under section at the commencement of *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 6 deemed to be approved under *Housing (Miscellaneous Provisions) Act 1992*, s. 6(6)(a) (1.09.1992) by *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 6(7), S.I. No. 223 of 1992; section repealed as per F-note above.

Expenses of social workers.

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

Annotations

Modifications (not altering text):

- C12** Functions under section transferred and references construed (15.07.2015) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2015* (S.I. No. 318 of 2015), art. 3 and sch., in effect of art. 1(2), subject to transitional provisions in arts. 4-8.

3. (1) The functions vested in the Minister for Finance by or under any of the provisions of the Acts specified in the Schedule are transferred to the Minister for Public Expenditure and Reform.

(2) References to the Minister for Finance contained in any Act or instrument made under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 28 of 1988	Housing Act 1988	Sections 3(1), 4(1), 6, 10(4) and 16(2)
...

Validation.

7.—Where—

- (a) a grant under section 7 of the Act of 1979 (as amended by *section 26*) was paid by the Minister on or after the 10th day of April, 1981, but before the commencement of the said *section 26*, or
- (b) a grant, loan, subsidy, contribution or other form of assistance was paid by the Minister or a housing authority, being a grant, loan, subsidy, contribution or assistance specified in a provision of this Act mentioned in *column (2)* of the Table to this section at any reference number in *column (1)* of that Table, on or after the date specified in *column (3)* of that Table at that reference number but before the commencement of that provision, and
- (c) in any case mentioned in *paragraph (a)* or *(b)* the grant, loan, subsidy, contribution or assistance would have been valid and effectual if it had been paid after the commencement of the said *section 26* or that provision (as the case may be),

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

TABLE

Reference Number (1)	Provision of this Act (2)	Date (3)
1	<i>Section 3</i>	10th April, 1981
2	<i>Section 4</i>	2nd October, 1984
3	<i>Section 5 (1)</i>	1st March, 1984
4	<i>Section 5 (4)</i>	10th April, 1981
5	<i>Section 15</i>	2nd October, 1984

Estimate of housing requirements.

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

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

and shall cause a report thereon to be prepared and adopted by the authority.

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

- (a) information (derived from any survey of all or a sample of the housing in the area or otherwise as the authority see fit) in relation to the housing conditions in the area, including the number of houses which are in any respect unfit or unsuitable for human habitation, are overcrowded, are shared involuntarily or are expected (through obsolescence, demolition or conversion to other uses) to be lost to the supply of housing over the period to which the estimate relates,
- (b) the extent to which there are persons who are homeless or living in temporary or movable accommodation,
- (c) expected changes in the size and structure of the population of the area,

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

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

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

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

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

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

(6) The adoption under this section of a report shall be a reserved function.

Annotations

Amendments:

F5 Repealed by *Housing (Miscellaneous Provisions) Act 2009 (22/2009)*, s. 7 and sch. 1 item 2, not commenced as of date of revision.

Modifications (not altering text):

C13 Prospective affecting provision: section repealed by *Housing (Miscellaneous Provisions) Act 2009 (22/2009)*, s. 7 and sch. 1 item 2, not commenced as of date of revision.

8. F5[...]

Housing assess-
ments.

9. F6[...]

Annotations

Amendments:

F6 Repealed (1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009 (22/2009)*, s. 7 and sch. 1 item 2, S.I. No. 83 of 2011.

Editorial Notes:

E4 Previous affecting provision: subs. (4)(b) substituted (1.01.2005) by *Health Act 2004 (42/2004)*, s. 75 and sch. 6 part 11 item 1, S.I. No. 887 of 2004; section repealed as per F-note above.

E5 Previous affecting provision: section applied with modifications (3.11.1998) by *Housing (Traveller Accommodation) Act 1998 (33/1998)*, s. 6, S.I. No. 428 of 1998; section repealed as per F-note above.

E6 Previous affecting provision: application of section restricted (22.12.1993 and 1.01.1994) by *Local Government (Dublin) Act 1993* (31/1993), s. 35 and sch. 3 pt. 1 art. 2(c)(vi) and (vii), S.I. No. 400 of 1993; section repealed as per F-note above.

Additional provisions regarding accommodation for homeless persons.

10.—(1) A housing authority may, subject to such regulations as may be made by the Minister under this section—

- (a) make arrangements, including financial arrangements, with a body approved of by the Minister for the purposes of *section 5* for the provision by that body of accommodation for a homeless person,
- (b) provide a homeless person with such assistance, including financial assistance, as the authority consider appropriate, or
- (c) rent accommodation, arrange lodgings or contribute to the cost of such accommodation or lodgings for a homeless person.

(2) A request for accommodation may be made to a housing authority by or on behalf of a homeless person.

(3) Where accommodation or lodgings are made available to a person by virtue of *subsection (1)*, the housing authority may at any time specify a period for which the accommodation or lodgings are to be so made available to that person.

(4) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister under this section, recoup, out of moneys provided by the Oireachtas, all or part of any payment made by a housing authority by virtue of *subsection (1)*.

(5) Where accommodation or lodgings are made available to a person by virtue of *subsection (1)*, the housing authority may require that person to pay to them such charge as they see fit, having regard to the means of the person, the cost to the authority of such accommodation or lodgings and such other matters as the authority consider appropriate.

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

(7) A charge under *subsection (5)* shall not be subject to the terms of any rent scheme in relation to houses let by the housing authority.

(8) Where accommodation or lodgings are made available to a person by virtue of *subsection (1)* and—

- (a) the circumstances of that person change to the extent that, in the opinion of the housing authority—
 - (i) if the accommodation or lodgings being made so available were no longer available, the person would not be homeless, or
 - (ii) the person is now able to provide accommodation from his own resources, or

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

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

(9) Where accommodation or lodgings are made available or assistance is provided to a person by virtue of *subsection (1)*, such person shall not be precluded for that reason from being included in an assessment under *section 9* or being accepted for inclusion in the next such assessment.

(10) A housing authority may, while making enquiries to enable them to determine if a person is homeless, exercise the powers provided for in *subsection (1)*.

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

- (a) the manner in which housing authorities exercise their powers under this section;
- (b) the amount and conditions of recoupments under *subsection (4)*;
- (c) the notification by a housing authority of the decision on a request for accommodation and the reasons therefor;
- (d) the furnishing of information to a housing authority in relation to a request for accommodation or assistance from the authority;
- (e) such other incidental, consequential or supplementary provisions as may appear to the Minister to be necessary or expedient.

Annotations

Modifications (not altering text):

- C14** Functions under subs. (4) transferred and references construed (15.07.2015) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2015* (S.I. No. 318 of 2015, art. 3 and sch., in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

3. (1) The functions vested in the Minister for Finance by or under any of the provisions of the Acts specified in the Schedule are transferred to the Minister for Public Expenditure and Reform.

(2) References to the Minister for Finance contained in any Act or instrument made under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 28 of 1988	Housing Act 1988	Sections 3(1), 4(1), 6, 10(4) and 16(2)
...

- C15** References to s. 5 construed (1.09.1992) by *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 6(10), S.I. No. 223 of 1992.

Assistance by housing authorities of certain bodies.

6.— ...

(10) Any reference to section 5 of the Act of 1988 in sections 10 and 15 of that Act, in section 28 of the Building Societies Act, 1989, or in regulations made under the *Housing Acts, 1966 to 1992*, shall be construed as a reference to this section.

Editorial Notes:

- E7** Power pursuant to section exercised (21.12.1998) by *Housing (Miscellaneous Provisions) Regulations, 1988 (Amendment) Regulations 1998* (S.I. No. 537 of 1998).
- E8** Power pursuant to section exercised (1.01.1989) by *Housing (Miscellaneous Provisions) Regulations 1988* (S.I. No. 362 of 1988), in effect as per reg. 1(2).

- E9** Previous affecting provision: power pursuant to section exercised (21.06.1993) by *Housing (Miscellaneous Provisions) Regulations, 1988 (Amendment) Regulations 1993* (S.I. No. 157 of 1993); superseded (21.12.1998) by *Housing (Miscellaneous Provisions) Regulations, 1988 (Amendment) Regulations 1998* (S.I. No. 537 of 1998).

Schemes of priorities for letting dwellings. **11.—F7[...]**

Annotations

Amendments:

- F7** Repealed (14.06.2010) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 7 and sch. 1 item 2, S.I. No. 253 of 2010, subject to transitional provisions in s. 22(13).

Editorial Notes:

- E10** Previous affecting provision: subs. (4) substituted (1.01.2005) by *Health Act 2004* (42/2004), s. 75 and sch. 6 part 11 item 2, S.I. No. 887 of 2004; section repealed as per F-note above.
- E11** Previous affecting provision: application of section restricted (1.07.1997) by *Housing (Miscellaneous Provisions) Act 1997* (21/1997), s. 14, S.I. No. 247 of 1997; section repealed as per F-note above.
- E12** Previous affecting provision: application of section restricted (22.12.1993 and 1.01.1994) by *Local Government (Dublin) Act 1993* (31/1993), s. 35 and sch. 3 part 1 art. 2(c)(vi) and (vii), S.I. No. 400 of 1993; section repealed as per F-note above.

Reconstruction or improvement of certain houses provided by housing authorities.

12.—(1) The Minister may, on application by a housing authority and subject to *subsection (2)* F8[and (8)], determine that a group of houses provided by the authority shall be houses to which this section applies.

(2) A determination under *subsection (1)* shall be made only where the group of houses consists wholly or partly of houses of which the authority are the owner and which—

(a) are in need of reconstruction by reason of defects in their design or construction, or of deterioration due to age, or

(b) otherwise require works which, in the opinion of the Minister, are reasonably necessary for the purpose of rendering the houses more suitable for human habitation.

(3) A housing authority may, with the consent of the Minister, carry out reconstruction or improvement works to a house included in a group of houses to which this section applies where that house has been sold or leased by the authority.

(4) Where a housing authority carry out works to a house by virtue of *subsection (3)*, they shall require the owner or lessee of the house to make such contribution as the authority may see fit or the Minister may direct towards the costs incurred by the authority.

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

(6) The Minister may specify such requirements as he sees fit in relation to the carrying out of environmental or ancillary works in respect of houses to which this section applies.

(7) This section shall be deemed to have come into operation on the 2nd day of October, 1984.

F8[(8) (a) This section shall not apply to apartments in a designated apartment complex.

(b) For the purposes of *paragraph (a)*, “apartments” and “designated apartment complex” have the same meaning as they have in section 50 of the Housing (Miscellaneous Provisions) Act 2009.]

Annotations

Amendments:

F8 Inserted (1.01.2012) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 8 and sch. 2 part 3 item 1, S.I. No. 680 of 2011.

F9[Provision of sites for caravans.

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

(2) A housing authority may provide, improve, manage and control sites for caravans used by persons to whom this section applies, including sites with limited facilities for the use by such persons otherwise than as their normal place of residence or pending the provision of permanent accommodation under an accommodation programme within the meaning of section 7 of the Housing (Traveller Accommodation) Act, 1998, and may carry out any works incidental to such provision, improvement, management or control, including the provision of services for such sites.

(3) F10[Section 11 of the Housing (Miscellaneous Provisions) Act 2009] shall apply in connection with the provision of sites under this section as it applies in connection with the provision of dwellings under that section.

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

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

(6) The Minister may issue guidelines for the purpose of this section and a housing authority shall have regard to any such guidelines.

(7) In this section—

‘caravan’ means any structure designed or adapted for human habitation which is capable of being moved from one place to another, whether by towing or transport on a vehicle or trailer, and includes a motor vehicle so designed or adapted and a mobile home, but does not include a tent;

‘sites with limited facilities’ means sites which, having regard to the temporary nature of such sites or the short duration of periods of use, have sufficient water, facilities for solid and liquid waste disposal and hard surface parking area for caravans.]

Annotations

Amendments:

F9 Substituted (11.09.1998) by *Housing (Traveller Accommodation) Act 1998* (33/1998), s. 29, S.I. No. 328 of 1998.

F10 Substituted (1.12.2009) by *Housing (Miscellaneous Provisions) Act 2009 (22/2009)*, s. 8 and sch. 2 part 3 item 2, S.I. No. 449 of 2009.

Editorial Notes:

E13 Prospective affecting provision: interest is payable under section as provided by *Housing (Miscellaneous Provisions) Act 2009 (22/2009)*, s. 33, not commenced as of date of revision.

Provision of sites for private housing.

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

(a) a subsidy of such amount as he may determine towards the loan charges incurred by the authority or the body; or

(b) a grant of such amount as he may determine,

in respect of the provision by the authority or the body of a site for the erection (other than by or on behalf of a housing authority) of a house.

(2) A subsidy under *subsection (1)* may, in lieu of being paid to the housing authority or body concerned, be paid, on their behalf, to the person who made the loan in respect of which the relevant loan charges were incurred.

Annotations

Amendments:

F11 Repealed by *Housing (Miscellaneous Provisions) Act 2009 (22/2009)*, s. 7 and sch. 1 item 2, not commenced as of date of revision.

Modifications (not altering text):

C16 Prospective affecting provision: section repealed by *Housing (Miscellaneous Provisions) Act 2009 (22/2009)*, s. 7 and sch. 1 item 2, not commenced as of date of revision.

14. —F11[...]

Editorial Notes:

E14 Power pursuant to section exercised (30.12.2005) by *Housing (Site Subsidy) Regulations 2005 (S.I. No. 916 of 2005)*.

E15 Power pursuant to section exercised (1.01.1989) by *Housing (Miscellaneous Provisions) Regulations 1988 (S.I. No. 362 of 1988)*, in effect as per reg. 1(2).

Grants or subsidies by Minister for dwellings, sites and assistance provided by housing authorities.

15. —F12[...]

Annotations**Amendments:**

- F12** Repealed (1.12.2009) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 7 and sch. 1 item 2, S.I. No. 449 of 2009.

Editorial Notes:

- E16** Previous affecting provision: power pursuant to section exercised (21.03.2002) by *Housing (Accommodation Provided by Approved Bodies) Regulations, 1992 (Amendment) Regulations 2002* (S.I. No. 106 of 2002); section repealed as per F-note above.
- E17** Previous affecting provision: subs. (1)(c) substituted (11.09.1998) by *Housing (Traveller Accommodation) Act 1998* (33/1998), s. 30, S.I. No. 328 of 1998; section repealed as per F-note above.
- E18** Previous affecting provision: power pursuant to section exercised (1.05.1998) by *Housing (Accommodation Provided by Approved Bodies) Regulations, 1992 (Amendment) Regulations 1998* (S.I. No. 151 of 1998); section repealed as per F-note above.
- E19** Previous affecting provision: subs. (2)(b) substituted (1.09.1992) by *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 27, S.I. No. 223 of 1992; section repealed as per F-note above.
- E20** Previous affecting provision: references to s. 5 construed (1.09.1992) by *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 6(10), S.I. No. 223 of 1992; section repealed as per F-note above.
- E21** Previous affecting provision: power pursuant to section exercised (13.04.1992) by *Housing (Accommodation Provided by Approved Bodies) Regulations 1992* (S.I. No. 86 of 1992); section repealed as per F-note above.
- E22** Previous affecting provision: power pursuant to section exercised (1.01.1989) by *Housing (Miscellaneous Provisions) Regulations 1988* (S.I. No. 362 of 1988), in effect as per reg. 1(2); section repealed as per F-note above.

Guarantees by housing authorities.

16.—(1) A housing authority may, and shall, where so directed by the Minister, subject to such regulations as may be made by the Minister for the purposes of this section, guarantee a loan or part of a loan by an assurance company, a bank, a building society, a credit union or any other industrial or commercial organisation for the purpose of acquiring, constructing, or carrying out improvement works to, a house.

(2) The Minister may, with the consent of the Minister for Finance, recoup out of moneys provided by the Oireachtas all or part of any payment made by a housing authority by virtue of a guarantee given under this section.

Annotations**Modifications (not altering text):**

- C17** Functions under subs. (2) transferred and references construed (15.07.2015) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2015* (S.I. No. 318 of 2015), art. 3 and sch., in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

3. (1) The functions vested in the Minister for Finance by or under any of the provisions of the Acts specified in the Schedule are transferred to the Minister for Public Expenditure and Reform.

(2) References to the Minister for Finance contained in any Act or instrument made under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 28 of 1988	Housing Act 1988	Sections 3(1), 4(1), 6, 10(4) and 16(2)
...

Editorial Notes:

- E23** Power pursuant to section exercised (1.01.1989) by *Housing (Miscellaneous Provisions) Regulations 1988* (S.I. No. 362 of 1988), in effect as per reg. 1(2).

Mortgage of houses sold or leased by housing authorities.

17. —(1) F13[...]

(2) F13[...]

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

Annotations**Amendments:**

- F13** Repealed (1.09.1992) by *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 37(1) and sch., S.I. No. 223 of 1992.

Discharge of mortgage.

18.—(1) Where, in relation to unregistered land within the meaning of the Registration of Title Act, 1964, all moneys secured by a mortgage have been fully paid or discharged, a housing authority shall, and any other mortgagee (not being a building society) may, endorse on or annex to, such mortgage either a reconveyance of the mortgaged property to the owner of the equity of redemption (or to such persons and to such uses as such owner may direct) or a receipt under the seal of the housing authority or other mortgagee (as the case may be).

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

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

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

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

(6)F14[...]

Annotations

Amendments:

F14 Repealed (1.05.2008) by *Registration of Deeds and Title Act 2006* (12/2006), s. 4 and sch. part 1, S.I. No. 1 of 2008.

Editorial Notes:

E24 Fees prescribed (1.05.2008) by *Registry of Deeds (Fees) Order 2008* (S.I. No. 51 of 2008), art. 10 and sch. item 8, in effect as per art. 1(2).

Application of certain sections of Part II of Principal Act.

19.—(1) Section 10 of the Principal Act shall apply to any sum due under the *Housing Acts, 1966 to 1988*, by the Minister to a person (including a housing authority) from whom another sum is due to the Minister as that section applies to sums due by and to a housing authority.

(2) Any reference in section 34, 35, 36 or 38 of the Principal Act to a grant shall be deemed to include reference (as may be appropriate) to a grant, subsidy or other form of assistance under the *Housing Acts, 1966 to 1988*, and those sections shall be construed accordingly.

(3) Section 38 of the Principal Act shall, with the consent of the Minister and with any necessary modifications, apply to a grant, subsidy or other form of assistance by a housing authority under the *Housing Acts, 1966 to 1988*, as it applies to a grant referred to in that section.

(4) Section 38 of the Principal Act shall apply to a grant, subsidy or other form of assistance by the Minister under the *Housing Acts, 1966 to 1988*, where a certificate of approval was issued by an officer of a housing authority, and the said section 38 shall be construed and have effect as if the reference therein to “an officer of the Minister” included a reference to “an officer of a housing authority”.

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

20. —F15[...]

Annotations

Amendments:

F15 Repealed (1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 7 and sch. 1 item 2, S.I. No. 83 of 2011.

Editorial Notes:

E25 Previous affecting provision: subs. (1A) inserted (1.09.1992) by *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 28, S.I. No. 223 of 1992.

Amendment of section 2 of Principal Act.

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

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

- (a) a county health district (exclusive of any town having commissioners under the Towns Improvement (Ireland) Act, 1854), the council of the county in which such county health district is situate,
- (b) a county or other borough, the corporation of such county or other borough,
- (c) an urban district, the council of the district,
- (d) a town having commissioners under the Towns Improvement (Ireland) Act, 1854, except as respects—
 - (i) sections 34, 35, 36, 39, 41 and 43 of this Act,
 - (ii) sections 6 and 8 of the Housing (Miscellaneous Provisions) Act, 1979, and
 - (iii) sections 2, 5, 6, 8, 9, 10, 13 and 16 of the Housing Act, 1988,
 the commissioners of such town and, as respects the said sections, the council of the county in which the town is situate,

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

Amendment of section 108 of Principal Act.

22.—The following section is hereby substituted for section 108 of the Principal Act:

“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.”.

Repeal of section 13 of Act of 1979 and consequential provisions.

23.—(1) Section 13 of the Act of 1979 is hereby repealed.

(2) Notwithstanding the repeal of section 13 of the Act of 1979 effected by *subsection (1)*, the following provisions shall have effect, that is to say:

- (a) where an application to purchase a house has been received from the tenant thereof by a housing authority on or before the 31st day of December, 1987, and the housing authority have vested or propose to vest the house in the said tenant on the terms applicable to the sale of the house at the date of receipt of such application, the provisions of the said section 13 shall continue in force in respect of that house;
- (b) the Minister may by order designate an officer of the Minister to carry out all or such of his functions under the said section 13 as may be specified in the order in respect of a house referred to in *paragraph (a)*;
- (c) the Minister may by order amend or revoke an order made under this subsection (including this paragraph).

(3) *Subsection (2)* shall cease to have effect on such day as may be prescribed.

Amendment of section 3 of Act of 1979.

24. —F16[...]

Annotations**Amendments:**

- F16** Repealed (27.06.2002) by *Housing (Miscellaneous Provisions) Act 2002* (9/2002), s. 4 and sch. 1, S.I. No. 329 of 2002.

Amendment of section 4 of Act of 1979.

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

“(5) Where—

(a) a person providing a new house is a person—

- (i) whose marriage has been dissolved or annulled by order of a court of competent jurisdiction, or
- (ii) who is separated from his spouse under an order of such court or by deed of separation,

and

(b) the need of that person and his dependents (if any) for housing has been established to the satisfaction of the Minister, and

(c) refusal by the Minister to pay a grant under this section in respect of the provision of the new house would, in the opinion of the Minister, having regard to such circumstances as he considers appropriate, including any contribution made by the other spouse, cause undue hardship to that person or his dependents,

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

Annotations**Amendments:**

- F17** Repealed by *Housing (Miscellaneous Provisions) Act 2002* (9/2002), s. 4 and sch. 1, not commenced as of date of revision.

Modifications (not altering text):

- C18** Prospective affecting provision: section repealed by *Housing (Miscellaneous Provisions) Act 2002* (9/2002), s. 4 and sch. 1, not commenced as of date of revision.

25. —F17[...]

Amendment of section 7 of Act of 1979.

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

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

for the accommodation, as his normal place of residence, in the house or houses or within the precincts thereof, of a person providing welfare or caretaker services for such persons or such class or classes of persons.”.

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

27. —F18[...]

Annotations

Amendments:

F18 Repealed (1.01.2002) *Local Government Act 2001* (37/2001), s. 5(1) and sch. 3 part 1, S.I. No. 588 of 2001.

Amendment of
Vagrancy Act,
1824.

28.—The Vagrancy Act, 1824 (as applied to Ireland by section 15 of the Prevention of Crimes Act, 1871) is hereby amended by the deletion in section IV of the following words “every person wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving a good account of himself or herself;”.

Offences.

29.—(1) Any person—

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

(b) for whom accommodation, lodgings or assistance are being made available by virtue of *section 10 (1)* and who fails to inform the housing authority of any material change in his circumstances while remaining in occupation of the accommodation or lodgings or in receipt of the assistance,

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

(2) An offence under this section may be prosecuted by the housing authority who requested the information referred to in *subsection (1) (a)*, or who provided the accommodation, lodgings or assistance referred to in *subsection (1) (b)*.

Annotations

Modifications (not altering text):

C19 Value of fine under subs. (1) increased (1.09.1992) by *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 33, S.I. No. 223 of 1992. Note the application (4.01.2011) of *Fines Act 2010* (8/2010), ss. 3, 6, S.I. No. 662 of 2010, which converts the £1,000 fine below to a Class C fine, currently not exceeding €2,500.

Increase in fines, etc.

33.—(1) (a) Any person convicted of an offence for which a fine is provided under a provision referred to in paragraph (b) shall, in lieu of that fine, be liable to a fine not exceeding £1,000 and those sections shall be construed and have effect accordingly.

(b) The provisions to which paragraph (a) relates are as follows: ...

(ii) in the Act of 1988, section 29(1).

...

Repeals.

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

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

Short title, construction, collective citation and commencement.

31.—(1) This Act may be cited as the Housing Act, 1988.

(2) The Housing Acts, 1966 to 1979, and this Act (other than *sections 27* and *28*) may be cited together as the Housing Acts, 1966 to 1988, and shall be construed together as one Act.

(3) The County Management Acts, 1940 to 1985, and *section 27* may be cited together as the County Management Acts, 1940 to 1988.

(4) The Cork City Management Acts, 1929 to 1971, and *section 27* may be cited together as the Cork City Management Acts, 1929 to 1988.

(5) The Local Government (Dublin) Acts, 1930 to 1985, and *section 27* may be cited together as the Local Government (Dublin) Acts, 1930 to 1988.

(6) The Limerick City Management Acts, 1934 to 1971, and *section 27* may be cited together as the Limerick City Management Acts, 1934 to 1988.

(7) The Waterford City Management Acts, 1939 to 1971, and *section 27* may be cited together as the Waterford City Management Acts, 1939 to 1988.

(8) The Vagrancy Act, 1824 (as applied to Ireland by section 15 of the Prevention of Crimes Act, 1871), and *section 28* may be cited together as the Vagrancy Acts, 1824 and 1988.

(9) This Act (other than *section 12*) shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions.

Annotations

Editorial Notes:

E26 Power pursuant to subs. (9) exercised (16.02.1990) by *Housing Act, 1988 (Commencement) Order 1990* (S.I. No. 33 of 1990).

2. Sections 3, 25 and 26 of the Housing Act, 1988, shall come into operation generally on the 16th day of February, 1990.

E27 Power pursuant to subs. (9) exercised (1.04.1989) by *Housing Act, 1988 (Commencement) Order 1989* (S.I. No. 40 of 1989).

2. Sections 9, 11 and 20 (1) of the Housing Act, 1988 shall come into operation generally on the 1st day of April, 1989.

3. Section 30 (1) of the Housing Act, 1988 and the Schedule to that Act shall come into operation on the 1st day of April, 1989 for the purpose of effecting the repeal of the enactments specified in Column (2) of the Schedule to this order to the extent specified in Column (3) of that Schedule.

SCHEDULE

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 21 of 1966	Housing Act, 1966.	Section 60.
No. 27 of 1979	Housing (Miscellaneous Provisions) Act, 1979.	Section 16.
No. 1 of 1984	Housing Act, 1984.	The whole Act.

E28 Power pursuant to subs. (9) exercised (1.01.1989) by *Housing Act, 1988 (Commencement) (No. 2) Order 1988* (S.I. No. 295 of 1988).

2. Sections 2, 4, 5, 7, 10, 14, 15, 16 and 29 of the Housing Act, 1988 shall come into operation generally on the 1st day of January, 1989.

3. Section 30 (1) of the Housing Act, 1988 and the Schedule to that Act shall come into operation on the 1st day of January, 1989 for the purpose of effecting the repeal of the enactments specified in Column (2) of the Schedule to this order to the extent specified in Column (3) of that Schedule.

SCHEDULE

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 21 of 1966	Housing Act, 1966	Sections 12 and 42.
No. 27 of 1979	Housing (Miscellaneous Provisions) Act, 1979	Sections 9 and 10.

E29 Power pursuant to subs. (9) exercised (19.08.1988) by *Housing Act, 1988 (Commencement) Order 1988* (S.I. No. 199 of 1988).

2. Section 30 (1) of the Housing Act, 1988 and the Schedule to that Act shall come into operation on the 19th day of August, 1988 for the purpose of effecting the repeal of the enactments specified in Column (2) of the Schedule to this Order to the extent specified in Column (3) of that Schedule.

3. Sections 1, 6, 13, 17, 18, 19, 20 (2), 20 (3), 20 (4), 21, 22, 23, 24, 27, 28, 30 (2) and 31 of the Housing Act, 1988 shall come into operation generally on the 19th day of August, 1988.

SCHEDULE

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

Section 30.

SCHEDULE

ENACTMENTS REPEALED

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 24 of 1936	Labourers Act, 1936.	Section 20.
No. 21 of 1966	Housing Act, 1966.	Sections 12, 42, 53, 54, 55, 60 and 102 (3).
No. 16 of 1969	Housing Act, 1969.	The whole Act.
No. 27 of 1979	Housing (Miscellaneous Provisions) Act, 1979.	Sections 6 (8), 9, 10 and 16.
No. 1 of 1984	Housing Act, 1984.	The whole Act.