Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.



Number 21 *of* 1997

HOUSING (MISCELLANEOUS PROVISIONS) ACT 1997

REVISED

Updated to 17 October 2024

This Revised Act is an administrative consolidation of the *Housing (Miscellaneous Provisions) Act 1997*. 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 the *Planning and Development Act 2024* (34/2024), enacted 17 October 2024, and all statutory instruments up to and including the *Social Welfare (Temporary Provisions – Child Support Payment) Regulations 2024* (S.I. No. 561 of 2024), made 17 October 2024, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 21 *of* 1997

HOUSING (MISCELLANEOUS PROVISIONS) ACT 1997

REVISED

Updated to 17 October 20241

ARRANGEMENT OF SECTIONS

Section

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ACTS REFERRED TO

Consumer Credit Act, 1995	1995, No. 24
Health Act, 1970	1970, No. 1
Housing Act, 1966	1966, No. 21
Housing Act, 1988	1988, No. 28
Housing Acts, 1966 to 1992	
Housing Finance Agency Act, 1981	1981, No. 37
Housing (Miscellaneous Provisions) Act, 1992	1992, No. 18
Misuse of Drugs Acts, 1977 and 1984	
Social Welfare Acts	
Social Welfare (Consolidation) Act, 1993	1993, No. 27

Number 21 *of* 1997

HOUSING (MISCELLANEOUS PROVISIONS) ACT 1997

REVISED

Updated to 17 October 2024

AN ACT TO AMEND AND EXTEND THE HOUSING ACTS, 1966 TO 1992, AND THE SOCIAL WELFARE ACTS, TO MAKE PROVISION IN RELATION TO INTIMIDATION OF CERTAIN PERSONS AND TO PROVIDE FOR CERTAIN OTHER MATTERS IN RELATION TO HOUSING. [7*th May*, 1997]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act, unless the context otherwise requires—

F1**[**"affordable house" means an affordable house provided under Part V of the Planning and Development Act 2000 or Part 2 of the Housing (Miscellaneous Provisions) Act 2002 or an affordable dwelling F2**[**purchased under an affordable dwelling purchase arrangement under Part 2 of the Affordable Housing Act 2021**]** as the case may be;**]**

F3**[**"anti-social behaviour" includes either or both of the following, namely—

(a) the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts 1977 to 2007),

(b) any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000 or a housing estate in which the house is situate and, without prejudice to the foregoing, includes—

(i) violence, threats, intimidation, coercion, harassment or serious obstruction of any person,

(ii) behaviour which causes any significant or persistent impairment of a person's use or enjoyment of his or her home, or

(iii) damage to or defacement by writing or other marks of any property, including a person's home;**]**

F4**[**"caravan" has the meaning assigned to it by section 13 of the Housing Act, 1988 (as amended by the Housing (Traveller Accommodation) Act, 1998);**]**

"estate management" includes—

(*a*) the securing or promotion of the interests of any tenants, lessees, owners or occupiers, whether individually or generally, in the enjoyment of any house, building or land provided by a housing authority under the

F5**[***Housing Acts 1966 to 2002* or Part V of the Planning and Development Act 2000**]**,

(*b*) the avoidance, prevention or abatement of anti-social behaviour in any housing estate in which is situate a house provided by a housing authority under the F5**[***Housing Acts 1966 to 2002* or Part V of the Planning and Development Act 2000**]** F4**[**or a site**]**;

F6**[**"excluding order" has, where the context admits or requires, the meaning assigned to it by *subsection (1)* or *(2)* of *section 3*;**]**

"health board" means a health board within the meaning of the Health Act, 1970;

"house" has the meaning assigned to it by the Housing (Miscellaneous Provisions) Act, 1992;

"housing authority" has the meaning assigned to it by section 1 of the Housing (Miscellaneous Provisions) Act, 1992;

F7**[**"relevant purchaser" means (subject to *section 1A*)—

(a) a person to whom a housing authority has sold a house under the Housing Acts 1966 to 2014 other than an affordable house, or

(b) a person in whom there subsequently becomes vested (other than for valuable consideration) the interest of the person referred to in *paragraph (a)* of this definition in the house referred to in that paragraph;**]**

"respondent" has the meaning assigned to it by section 3 F4**[**or where appropriate under *section 3A***]**;

F4**[**"site" means—

(*a*) a site to which section 13 of the Housing Act, 1988, (as amended by the Housing (Traveller Accommodation) Act, 1998) applies, and

(*b*) a site provided or managed under section 6 of the Housing (Miscellaneous Provisions) Act, 1992;

"site excluding order" has the meaning assigned to it by *section 3A*;**]**

"tenant" means any person to whom a housing authority have let a house under the F5**[***Housing Acts 1966 to 2002* or Part V of the Planning and Development Act 2000 F8**[**or to whom a dwelling is let under a Chapter 4 tenancy agreement (within the meaning of the Housing (Miscellaneous Provisions) Act 2009)**]]**.

(2) In this Act, a reference to a section is to a section of this Act and a 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 a reference to some other enactment or provision, as may be appropriate, is intended.

(3) A reference in this Act to an enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment (including this Act).

F10**[**Person ceasing to be relevant purchaser

1A. (1) A person shall cease to be a relevant purchaser for the purposes of this Act—

(*a*) where the sale of the house concerned was effected by a transfer order made by way of a shared ownership lease provided for in accordance with Regulation 11 of the Housing (Sale of Houses) Regulations 1995 (S.I. No. 188 of 1995)—

(i) on the date of expiry of the lease due to the effluxion of time, or

(ii) where the purchaser purchases the reversion expectant on the termination of the lease, on the expiry of—

(I) the period of 20 years from the date the transfer order became effective, or

(II) the period from the date the transfer order became effective to the date of purchase of the reversion expectant on the termination of the lease,

whichever is the longer period,

(*b*) in the case that the sale of the house was effected by a transfer order made by way of a lease other than a lease referred to in *paragraph (a)* —

(i) on the date of expiry of the lease due to the effluxion of time, or

(ii) where the purchaser acquires the fee simple in the house from the housing authority under section 26 of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978, on the expiry of—

(I) the period of 20 years from the date the transfer order became effective, or

(II) the period from the date the transfer order became effective to the date of acquisition of the fee simple,

whichever is the longer period,

(*c*) in the case that the house was sold under Part 3 or 4 of the Housing (Miscellaneous Provisions) Act 2009 or Part 3 of the Housing (Miscellaneous Provisions) Act 2014, on the expiration of the charged period provided for by each of those Parts respectively, or

(*d*) in any other case, on the expiry of the period of 20 years from the date of the sale of the house.

(2) *Subsection (1)* shall apply to a person irrespective as to when the house (other than an affordable house) was sold by the housing authority to the person concerned and, in the definition of 'relevant purchaser' in *section 1*—

(*a*) the reference in *paragraph (a)* of that definition to the *Housing Acts 1966 to 2014*, and

(*b*) *paragraph (b)* of that definition,

shall be construed accordingly.**]**

Summonses.

2.—(1) Notwithstanding anything contained in any enactment or the District Court Rules—

(*a*) a summons in connection with proceedings under F11**[**Part 2 of the Housing (Miscellaneous Provisions) Act 2014**]**, or this Act may be served by ordinary prepaid post or in any one of the other ways referred to in section 3(1) of the Housing Act, 1966;

(*b*) a summons in connection with proceedings in the District Court under F11**[**Part 2 of the Housing (Miscellaneous Provisions) Act 2014**]**, or this Act may, in lieu of being signed and issued by a judge of the District Court, be signed and issued under the general superintendence of an appropriate District Court clerk as a matter of administrative procedure.

(2) In this section "appropriate District Court clerk", in relation to a summons, means a District Court clerk assigned to any District Court area in the District Court district in which a justice of the District Court has jurisdiction in relation to the proceedings to which the summons relates.

Excluding orders.

F12**[3.**—(1) A tenant or relevant purchaser may, in respect of a house—

(*a*) let to the tenant by a housing authority, or

(*b*) in respect of which he or she is such a purchaser,

apply to the District Court for an order (to be known and referred to in this Act as an 'excluding order') against a person including, in the case of an application by a tenant, a joint tenant (referred to in this Act as 'the respondent') whom the tenant or relevant purchaser making the application believes to be engaging in anti-social behaviour.

F13**[**(2) A housing authority may, in respect of a house referred to in *subsection (1)*, apply to the District Court for an order (in this Act referred to as an 'excluding order') against a person, other than the tenant, where there is no joint tenant, or relevant purchaser of the house (in this Act referred to as the 'respondent'), whom the authority believe to be engaging in anti-social behaviour where the authority—

(*a*) believe that the tenant or relevant purchaser—

(i) may be deterred or prevented by violence, threat or fear, either to himself or herself or to persons associated with him or her, from pursuing an application for an excluding order, or

(ii) does not intend, for whatever other reason, to make such an application,

and

(*b*) consider that, in the interest of good estate management, it is appropriate, in all the circumstances, to apply for the excluding order.**]**

F14**[**(2A) An application under *subsection (1)* or *(2)* may not be made against a person who is under 12 years of age.**]**

F15**[**(3) Where the court, on application to it, is of the opinion that there are reasonable grounds for believing that the respondent is or has been engaged in anti-social behaviour it may by order—

(*a*) in the case of a respondent who is under 18 years of age and is residing at the house in respect of which the application was made, prohibit the respondent, during the period when the order is in force—

(i) from entering or being in the vicinity of another specified house or being in or in the vicinity of any specified place or area, consisting of a place or area where one or more of the houses there are under the control and management of a housing authority, or

(ii) from doing all or any of the things referred to in *subparagraph (i)* unless specified conditions provided for by the order are complied with,

(*b*) in the case of a respondent who is under the age of 18 years and is not residing at the house in respect of which the application was made, prohibit the respondent during the period when the order is in force—

(i) from entering or being in the vicinity of that house or any other specified house or being in or in the vicinity of any specified place or area, consisting of a place or area where one or more of the houses there are under the control and management of a housing authority, or

(ii) from doing all or any of the things referred to in *subparagraph (i)* unless specified conditions provided for by the order are complied with,

(*c*) in any other case—

(i) direct the respondent, if residing at the house in respect of which the application was made, to leave that house and not re- enter it or be in its vicinity during the period that the order is in force, and

(ii) whether the respondent is or is not residing at the house in respect of which the application was made, prohibit the respondent for the period during which the order is in force—

(I) from entering or being in the vicinity of that house or any other specified house or being in or in the vicinity of any specified place

or area, consisting of a place or area where one or more of the houses there are under the control and management of a housing authority, or

(II) from doing all or any of the things referred to in *clause (I)* unless specified conditions provided for by the order are complied with.**]**

(4) An excluding order may, if the court thinks fit, prohibit the respondent from causing or attempting to cause any intimidation, coercion, harassment or obstruction of, threat to, or interference with the tenant, relevant purchaser or other occupant of any house concerned.

(5) Where an excluding order has been made, the tenant, the relevant purchaser or the housing authority, as appropriate, or the respondent may apply to have it varied, and the court upon hearing the application shall make such order as it considers appropriate in the circumstances.

(6) An excluding order, whether made by the District Court or by the Circuit Court on appeal from the District Court, shall, subject to *subsection (7)* and *section 9*, expire three years after the date of its making or on the expiration of such shorter period as the court may provide for in the order.

(7) On or before the expiration of an excluding order to which *subsection (6)* relates, a further excluding order may be made by the District Court or by the Circuit Court on appeal from the District Court for a period of three years, or such shorter period as the court may provide for in the order, with effect from the date of expiration of the firstmentioned order.**]**

F17**[**Site excluding orders.

3A.—(1) A person who is authorised, including a person who is jointly authorised, by a housing authority or an approved body to occupy a caravan on a site (in this section referred to as an 'authorised person') may apply to the District Court for a site excluding order against another person (in this Act referred to as the 'respondent') whom the authorised person making the application believes to be engaging in antisocial behaviour.

F18**[**(2) A housing authority or an approved body may, in respect of a site provided by the housing authority or the approved body under the *Housing Acts 1966 to 2014*, apply to the District Court for a site excluding order against a respondent whom the housing authority or the approved body believes to be engaging in anti-social behaviour and where the housing authority or the approved body—

(*a*) has reasonable grounds to believe that an authorised person—

(i) may be deterred or prevented by violence, threat or fear, either to himself or herself or to persons associated with him or her, from pursuing an application for a site excluding order, or

(ii) does not intend, for whatever other reason, to make such an application,

and

(*b*) considers that, in the interest of good estate management, it is appropriate, in all the circumstances, to apply for a site excluding order.**]**

F19**[**(2A) An application under *subsection (1)* or *(2)* may not be made against a person who is under 12 years of age.**]**

F20**[**(3) Where following an application under this section, the District Court, or the Circuit Court on appeal from the District Court, is of the opinion that there are reasonable grounds for believing that the respondent is or has been engaged in anti-social behaviour it may by order (in this Act referred to as a 'site excluding order')—

(*a*) in the case of a respondent who is under 18 years of age and is residing at the site in respect of which the application was made prohibit the respondent during the period when the order is in force—

(i) from entering or being on or being in or in the vicinity of any other specified site or being in or in the vicinity of any specified place, or

(ii) from doing all or any of the things referred to in *subparagraph (i)* unless specified conditions provided for by the order are complied with,

(*b*) in the case of a respondent who is under the age of 18 years and is not residing at the site in respect of which the application was made, prohibit the respondent, for the period during which the order is in force—

(i) from entering or being on or being in or in the vicinity of that site or any other specified site or being in or in the vicinity of any specified place, or

(ii) from doing all or any of the things referred to in *subparagraph (i)* unless specified conditions provided for by the order are complied with,

(*c*) in any other case—

(i) direct the respondent, if residing at the site in respect of which the application was made, to leave that site and not re-enter it during the period that the order is in force, and

(ii) whether the respondent is or is not residing at the site in respect of which the application was made, prohibit the respondent for the period during which the order is in force—

(I) from entering or being on or being in or in the vicinity of that site or any other specified site or being in or in the vicinity of any specified place, or

(II) from doing all or any of the things referred to in *clause (I)* unless specified conditions provided for by the order are complied with.**]**

(4) A site excluding order may, if the court thinks fit, prohibit the respondent from causing or attempting to cause any intimidation, coercion, harassment or obstruction of, threat to, or interference with the authorised person referred to in either *subsection (1)* or subsection *(2)* or other occupant of any site concerned.

(5) Where a site excluding order has been made the authorised person concerned, where the application was made under *subsection (1)*, or the housing authority or approved body, where the application was made under *subsection (2)*, or the respondent may apply to have such site excluding order varied and the District Court, or the Circuit Court, on hearing such application for variation shall make such order as it considers appropriate in the circumstances.

(6) A site excluding order, whether made by the District Court or the Circuit Court on appeal from the District Court, shall, subject to *subsection (7)* and *section 9*, expire 3 years after the date of its making or on the expiration of such shorter period as specified in the order.

(7) On or before the expiration of a site excluding order to which *subsection (6)* relates, a further site excluding order may be made by the District Court, or by the Circuit Court, on appeal from the District Court, for a period of 3 years or such shorter period as specified in the order and the order shall take effect from the date of expiration of the first-mentioned site excluding order.

(8) A site excluding order under this section may if the court thinks fit or appropriate—

(*a*) require the respondent, within a specified period, or

(*b*) permit the respondent, on such conditions as the court may specify,

to remove from the site any caravan owned and occupied by the respondent on that site.

(9) *Sections 4* to *12* shall apply, with any necessary modifications, to a site excluding order under this section and for this purpose references in those sections to—

(*a*) 'excluding order' shall be construed and have effect as including a reference to a site excluding order,

(*b*) 'interim excluding order' shall be construed and have effect as including a reference to an interim site excluding order,

(*c*) 'house' or 'housing estate' shall be construed and have effect as including a reference to a site, and

(*d*) 'tenant' shall be construed and have effect as including a reference to an authorised person making an application under *subsection (1)* or referred to in *subsection (2)*(*a*).

(10) *Subsections (4)*, *(5)* and *(8)* shall apply to an interim site excluding order as they apply to a site excluding order.

(11) In this section 'approved body' has the meaning assigned to it by *section 13(2)*.**]**

F21**[**Excluding orders.

4.—F22**[**(1) If, on the making of an application for an excluding order relating to a house or between the making of the application and its determination, the court is of the opinion that there are reasonable grounds for believing that, if the order is not made immediately, there is an immediate risk of significant harm to any person residing, working or otherwise lawfully in or in the vicinity of such house or of a housing estate in which such house is situate, the court may by order (in this Act referred to as an 'interim excluding order')—

(*a*) in the case of a respondent who is under 18 years of age and is residing at the house in respect of which the application was made, prohibit the respondent, until further order of the court or until such other time as the court shall specify—

(i) from entering or being in the vicinity of another specified house or being in or in the vicinity of any specified place or area, consisting of a place or area where one or more of the houses there are under the control and management of a housing authority, or

(ii) from doing all or any of the things referred to in *subparagraph (i)* unless specified conditions are complied with,

but no interim excluding order in respect of a respondent to whom this paragraph relates shall be made *ex parte* by virtue of *subsection (3)*,

(*b*) in the case of a respondent who is under the age of 18 years and is not residing at the house in respect of which the application was made, prohibit the respondent—

(i) from entering or being in the vicinity of that house or any other specified house or being in or in the vicinity of any specified place or area, consisting of a place or area where one or more of the houses there are under the control and management of a housing authority, or

(ii) from doing all or any of the things referred to in *subparagraph (i)* unless specified conditions provided for by the order are complied with,

but no interim excluding order in respect of a respondent to whom this paragraph relates shall be made *ex parte* by virtue of *subsection (3)*,

(*c*) in any other case—

(i) direct the respondent, if residing at the house in respect of which the application was made, to leave that house until further order of the court or until such other time as the court shall specify, and not re-enter it during the period that the order is in force, and

(ii) whether the respondent is or is not residing at the house in respect of which the application was made, prohibit the respondent—

(I) from entering or being in the vicinity of that house or any other specified house or being in or in the vicinity of any specified place or area, consisting of a place or area where one or more of the houses there are under the control and management of a housing authority, or

(II) from doing all or any of the things referred to in *clause (I)* unless specified conditions provided for by the order are complied with.**]**

(2) *Subsections (4)* and *(5)* of *section 3* shall apply to an interim excluding order as they apply to an excluding order.

(3)(*a*) An interim excluding order may be made *ex parte* where, having regard to the circumstances of the particular case, the court considers it necessary or expedient to do so in the interests of justice.

(*b*) The application for such an order shall be grounded on an affidavit or information sworn by the applicant.

(*c*) If an interim excluding order is made *ex parte*—

(i) a note of evidence given by the applicant shall be prepared forthwith—

(I) by the judge,

(II) by the applicant or the applicant's solicitor and approved by the judge, or

(III) as otherwise directed by the judge,

and

(ii) a copy of the order, affidavit or information and note shall be served on the respondent as soon as practicable.

(*d*) The order shall have effect for a period, not exceeding 8 working days, to be specified in the order, unless, on application by the applicant for the excluding order and on notice to the respondent, the interim excluding order is confirmed within that period by order of the court.

(*e*) The order shall contain a statement of the effect of *paragraph (d)*.

(*f*) In *paragraph (d)* 'working days' means days other than Saturdays, Sundays or public holidays (within the meaning of the Organisation of Working Time Act 1997).

(4) An interim excluding order shall cease to have effect on the determination by the court of the application for an excluding order.**]**

F23**[**Provision for avoidance of doubt.

4A.—For the avoidance of doubt—

(*a*) no order may be made under *section 3* or *4* directing anything to be done, or prohibiting anything from being done, in a housing estate none of the houses in which is under the control and management of a housing authority,

(*b*) a house shall, for the purposes of those sections and *paragraph (a)*, be regarded as being under the control and management of a housing authority despite the fact that the authority has, under section 9 of the Housing (Miscellaneous Provisions) Act 1992, delegated all or one or more of its functions in respect of that house to a designated body,**]**

Offences.

5.—F25**[** (1) (*a*) A respondent who is under the age of 18 years and who contravenes an excluding order or an interim excluding order, as the case may be, commits an offence and is liable on summary conviction to a class D fine or, at the discretion of the court, to detention in a children detention school (as defined in section 3 of the Children Act 2001) for a period not exceeding 3 months, or to both.

(*b*) A respondent (other than a respondent to whom *paragraph (a)* relates) who contravenes an excluding order or an interim excluding order shall be guilty of an offence and shall be liable on summary conviction to a class B fine or, at the discretion of the court, to imprisonment for a term not exceeding 6 months, or to both.**]**

(2) *Subsection (1)* is without prejudice to the law as to contempt of court or any other liability, whether civil or criminal, that may be incurred by the respondent concerned.

Taking effect of orders.

6.—(1) An excluding order or interim excluding order shall take effect on notification of its making being given to the respondent.

(2) Oral communication to the respondent by or on behalf of the tenant or the housing authority, as appropriate, of the fact that an excluding order or interim excluding order has been made, together with production of a copy of the order, shall, without prejudice to the sufficiency of any other form of notification, be taken to be sufficient notification to the respondent of the making of the order.

(3) If the respondent is present at a sitting of the court at which the excluding order or interim excluding order is made, that respondent shall be taken for the purposes of *subsection (1)* to have been notified of its making.

(4) An order varying an excluding order or interim excluding order shall take effect on notification of its making being given to the person who was the other party in the proceedings for the making of the excluding order and for this purpose *subsections (2)* and *(3)* shall apply with the necessary modifications.

Copies of orders to be given to certain persons.

7.—(1) The court, on making, varying or discharging an excluding order or an interim excluding order, shall cause a copy of the order in question to be given or sent as soon as practicable to—

(*a*) the applicant concerned,

(*b*) the respondent,

F26**[**(*c*) the housing authority in whose functional area the house in respect of which the application for the order was made is situate,

(*d*) the Health Service Executive, and

(*e*) the member of the Garda Síochána in charge of the Garda Síochána station for the area in which the house in relation to which the application for the order was made is situate.**]**

(2) The validity of any order made under this Act shall not be affected by non-compliance with *subsection (1)*.

Effect of appeal from order.

8.—(1) An appeal from an excluding order shall, if the court that made the order or the court to which the appeal is brought so determines (but not otherwise), stay the operation of the order on such terms (if any) as may be imposed by the court making the determination.

(2) An appeal from an interim excluding order shall not stay the operation of the order.

Discharge of orders.

F27**[**9.—(1) Where an excluding order or interim excluding order has been made, the tenant, the relevant purchaser or the housing authority, as appropriate, or the respondent may apply to the court that made the order to have the order discharged and thereupon the court shall discharge the order if it is of the opinion that, in all the circumstances, it is appropriate to do so.

(2) For the purposes of this section and *section 3(5)*, an order made by a court on appeal from another court shall be treated as if it had been made by that other court.**]**

Exercise of jurisdiction by court.

10.—(1) The jurisdiction of the court in respect of proceedings under *section 3*, F28**[***3A*,**]** *4* or *9* may be exercised, as regards the District Court, by the judge of the District Court for the time being assigned to the District Court district where the house in relation to which that application was made is situate.

(2) Where a judge of the District Court to whom *subsection (1)* relates is not immediately available, the jurisdiction of the District Court under that subsection may be exercised by any judge of the District Court.

Hearing of certain proceedings.

11.—Proceedings under *section 3*, F29**[***3A*,**]***4* or *9* may be heard otherwise than in public.

Arrest without warrant.

12.—(1) Where a member of the Garda Síochána has reasonable cause for believing that, in respect of an order under this Act, an offence is being or has been committed under *section 5*, the member may F30**[**...**]** arrest the respondent concerned without warrant.

(2) For the purpose of arresting a respondent under *subsection (1)*, a member of the Garda Síochána may enter (if need be by use of reasonable force) and search any place (including a dwelling) where the respondent is or where the member, with reasonable cause, suspects the respondent to be.

(3) This section shall not prejudice any power of arrest conferred by law apart from this section.

Application to approved housing bodies.

13.—(1) *Sections 3* to *12* shall apply in relation to a house provided by an approved body in the same manner as those sections apply in relation to a house provided by a housing authority under the *Housing Acts, 1966 to 1997*, and, for this purpose, references to "housing authority" in the said sections and in the definitions of "anti-social behaviour", "estate management" and "tenant" in *section 1 (1)* shall be construed as including a reference to an approved body.

(2) In this section "approved body" means a body approved of for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992.

Letting and sale of local authority housing.

14.—F31**[**(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.**]**

F32**[**(2) Notwithstanding anything contained in—

(*a*) Part 3 of the Housing (Miscellaneous Provisions) Act 2009 or an incremental purchase arrangement under the said Part 3,

(*b*) Part 4 of the said Act, F33**[**...**]**

F34**[**(*c*) Part 2 of the Affordable Housing Act 2021,**]**

(*d*) section 90 of the Housing Act 1966 (inserted by section 26 of the Housing (Miscellaneous Provisions) Act 1992) or a purchase scheme under the said section 90, F35**[**or**]**

F35**[**(*e*) Part 3 of the Housing (Miscellaneous Provisions) Act 2014,**]**

a housing authority may refuse to sell a dwelling to—

(i) in the case of an incremental purchase arrangement, an eligible household (within the meaning of Part 3 of the Housing (Miscellaneous Provisions) Act 2009),

(ii) in the case of Part 4 of the said Act, a tenant,

F34**[**(iii) in the case of an affordable dwelling purchase arrangement under Part 2 of the Affordable Housing Act 2021, an eligible applicant within the meaning of section 4 of that Act,**]**

(iv) in the case of section 90 of the Housing Act 1966, a tenant, F35**[**or**]**

F35**[**(v) in the case of Part 3 of the Housing (Miscellaneous Provisions) Act 2014, a tenant,**]**

where the authority considers that the said tenant or the said F34**[**eligible applicant or any member of the eligible applicant's household**]** or of the tenant's household, as the case may be, is or has been engaged in anti-social behaviour or that a sale to F34**[**that eligible applicant's household**]** or tenant would not be in the interest of good estate management.**]**

(3) Section 90 (12) of the Housing Act, 1966 (inserted by section 26 of the Housing (Miscellaneous Provisions) Act, 1992), is hereby amended by the substitution of the following paragraph for paragraph (*a*)—

"(*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;".

F36**[**(4) Notwithstanding anything contained in the enactments specified in *subsection (5)*, a housing authority may refuse to sell or lease a dwelling to a person where the authority considers that the person is or has been engaged in anti-social behaviour or that a sale or lease to that person would not be in the interest of good estate management.

(5) The enactments mentioned in *subsection (4)* are:

(*a*) section 90 of the Housing Act 1966;

(*b*) section 3 of the Housing (Miscellaneous Provisions) Act 1992;

(*c*) section 6 of the Housing (Miscellaneous Provisions) Act 2002; and

(*d*) Part V of the Planning and Development Act 2000.**]**

F38**[**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.**]**

Provision of information.

15.—(1) In this section, "specified person" means any of the following, that is to say:

(*a*) the Criminal Assets Bureau;

(*b*) a member of the Garda Síochána;

(*c*) the Minister for Social Welfare;

(*d*) a health board; or

(*e*) a body approved of for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992, (to be known and referred to in this section as "an approved body").

F39**[**(2) A housing authority may, for the purposes of any of their functions under the *Housing Acts 1966 to 2009* or Part V of the Planning and Development Act 2000, request from another housing authority or a specified person, information in relation to any person—

(*a*) seeking a house or site from the authority or seeking to occupy a caravan on a site or residing or proposing to reside at a house provided by the authority or by an approved body, including a house the subject of a rental accommodation availability agreement, or seeking or receiving any other housing support (within the meaning of the Housing (Miscellaneous Provisions) Act 2009) under the *Housing Acts 1966 to 2009*, or

(*b*) whom the authority considers may be or may have been engaged in anti-social behaviour,

and, notwithstanding anything contained in any enactment, such other housing authority or specified person may provide the information to the housing authority requesting it.**]**

(3) A health board may, for the purposes of its functions under Chapter 11 of Part III of the Social Welfare (Consolidation) Act, 1993, request from a housing authority information in relation to any claimant for a payment to supplement the claimant's income in respect of rent or mortgage interest or in relation to any person residing or proposing to reside with the claimant and, notwithstanding anything contained in any enactment, the housing authority may provide the information to the health board.

(4) An approved body may request from a housing authority information in relation to any person seeking accommodation from the body or residing or proposing to reside at accommodation provided by the body, and, notwithstanding anything contained in any enactment, the housing authority may provide the information to that body.

Supplementary welfare allowance.

16.—The Social Welfare (Consolidation) Act, 1993, is hereby amended by the insertion of the following section after section 179:

"179A.—(1) This section applies to a person who—

(*a*) has been required to deliver up possession of a dwelling provided by a housing authority or a body approved of for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992 and the reasons for such requirement include anti-social behaviour or the interests of good estate management, or

(*b*) is a person to whom a letting has been refused or deferred under *section 14* of the *Housing (Miscellaneous Provisions) Act, 1997*, or

(*c*) is a respondent to an excluding order or an interim excluding order made under *section 3* or *4* of the *Housing (Miscellaneous Provisions) Act, 1997*, or

(*d*) is a person who has been directed to leave a house under *section 20* of the *Housing (Miscellaneous Provisions) Act, 1997*.

(2) A health board may determine that, notwithstanding anything contained in any enactment, a person to whom this section applies shall not be entitled to a payment to supplement the person's income in respect of rent or mortgage interest, or may terminate or suspend the payment.

(3) Where a person to whom this section applies resides with another person who is in receipt of, or would but for this section be entitled to a supplement in respect of rent or mortgage interest, the health board may, notwithstanding anything contained in any enactment, determine that the amount of the supplement payable shall be reduced by such amount as, in the opinion of the board, is reasonably attributable to the first mentioned person.

(4) In making a determination under *subsection (2)* or *(3)*, the board shall have regard to any information provided by a housing authority or a specified person referred to in *section 15* of the *Housing (Miscellaneous Provisions) Act, 1997*, in relation to a person to whom this section applies.

(5) For the purposes of this section—

'mortgage interest' means such proportion of any amount payable by a person to a mortgage lender as is for the time being attributable to interest under an agreement entered into by the person with the mortgage lender for the purpose of defraying money employed to purchase, repair or improve that person's dwelling or to pay off another loan used for such purpose;

'mortgage lender' has the meaning assigned to it by section 2 (1) of the Consumer Credit Act, 1995;

'rent' includes any periodic payment in the nature of rent made in return for a special possession of a dwelling or for the use, occupation or enjoyment of a dwelling.".

Deductions in respect of housing authority rents.

17.—The Social Welfare (Consolidation) Act, 1993, is hereby amended by the insertion of the following section after section 240:

"240A.—The Minister may, after consultation with the Minister for the Environment, make regulations to provide that where rent due to a housing authority by a beneficiary is unpaid for a specified period or where the amount of rent unpaid exceeds a specified amount, an amount of the beneficiary's benefit may, notwithstanding any provision of this Act, on application by the housing authority to the Minister, be withheld without the beneficiary's consent and paid separately by the Minister to the housing authority, provided that the amount so withheld in any week shall not exceed the amount of the weekly rent payable by the beneficiary.".

F41[Intimidation, etc.

18. (1) A person commits an offence if he or she causes or attempts to cause any threat, intimidation or harassment, coerces, obstructs, impedes, or interferes with—

(*a*) an officer or employee of a housing authority in respect of the exercise of a function of the authority by such officer or employee, or

(*b*) a member of the family or household of such an officer or employee in contemplation or as a consequence of the exercise of functions of the housing authority by the officer or employee, or

(*c*) any person who provides or is to provide evidence in any proceedings under this Act or Part 2 of the Housing (Miscellaneous Provisions) Act 2014.

(2) A person who commits an offence under *subsection (1)* is liable on summary conviction to a class A fine or, at the discretion of the court, to imprisonment for a term not exceeding 12 months or to both.**]**

Payments to a housing authority or other landlord.

19.—Where there is no tenancy in a dwelling, any payment offered to or accepted by a housing authority or other person acting in the capacity of a landlord shall not be deemed to create or have created a tenancy in the dwelling.

Illegal occupiers of local authority housing.

20.—(1) Where—

(*a*) a house provided by a housing authority or any part thereof is occupied, whether continuously or otherwise, by a person (other than the tenant or a person who has failed to vacate a house on termination of a tenancy), and

(*b*) a member of the Garda Síochána has received notification from the housing authority that the authority believe that the person is or has been engaged in anti-social behaviour and that it is necessary in the interest of good estate management that the said person be required to leave the house,

a member of the Garda Síochána may direct the person to leave the house immediately in a peaceable and orderly manner and that person shall comply with the direction.

(2) A person who does not comply with a direction under *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months, or to both.

(3) Where a person does not comply with a direction under *subsection (1)* a member of the Garda Síochána may arrest the person without warrant.

(4) For the purpose of arresting a person under *subsection (3)*, a member of the Garda Síochána may enter (if need be by use of reasonable force) and search any place (including a dwelling) where the person is or where the member, with reasonable cause, suspects that person to be.

(5) This section shall not prejudice any power of arrest conferred by law apart from this section.

F42**[**Evidence.

21. Where, in any proceedings under *section 3*, *3A*, *4* or *9* of this Act or Part 2 of the Housing (Miscellaneous Provisions) Act 2014, a member of An Garda Síochána or an officer or employee of a housing authority states that he or she believes that a person is or has been engaged in anti-social behaviour, then, if the Court is satisfied that there are reasonable grounds for such belief and that another person would be deterred or prevented by violence, threat or fear from providing evidence in that regard, the statement shall be evidence of such anti-social behaviour.**]**

Housing loans.

22.—Section 11 (5) to (12) and (14) of the Housing (Miscellaneous Provisions) Act, 1992, shall apply and be deemed always to have applied, to a loan made by a housing authority in accordance with terms and conditions approved of for the purposes of section 5 (2) of the Housing Finance Agency Act, 1981, by the Minister for the Environment and the Minister for Finance.

Amendment of section 3 of Housing Act, 1966.

23.—Section 3 (1) of the Housing Act, 1966, is hereby amended by the substitution of the following paragraph for paragraph (*c*):

"(*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;".

Short title, collective citation, construction and commencement.

24.—(1) This Act may be cited as the Housing (Miscellaneous Provisions) Act, 1997.

(2) The Housing Acts, 1966 to 1992, and this Act, other than *subsection (3)* and *sections 16* and *17*, may be cited together as the Housing Acts, 1966 to 1997, and shall be construed together as one Act.

(3) The Social Welfare Acts and *sections 16* and *17* shall be construed together as one Act.

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

Number 21 *of* 1997

HOUSING (MISCELLANEOUS PROVISIONS) ACT 1997

REVISED

Updated to 17 October 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), ss. 1(2), 67
- *Affordable Housing Act 2021* (25/2021)

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.