



STATUTORY INSTRUMENTS.

**S.I. No. 562 of 2009**



HOUSING (INCREMENTAL PURCHASE) REGULATIONS 2009

**(Prn. A9/1904)**

## HOUSING (INCREMENTAL PURCHASE) REGULATIONS 2009

I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by sections 3 and 49(a) of the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009), hereby make the following Regulations:

1. (a) These Regulations may be cited as the Housing (Incremental Purchase) Regulations 2009.  
  
(b) These Regulations come into operation on 1 January 2010.
2. In these regulations—
  - (a) “planning application” has the meaning assigned to it by section 2(1) of the Planning and Development Act 2000 (No. 30 of 2000); and
  - (b) “traveller” has the meaning assigned to it by section 2 of the Housing (Traveller Accommodation) Act 1998 (No. 33 of 1998).
3. An incremental purchase arrangement may apply to all classes of dwelling that comply with the provisions of section 44 of the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009), other than—
  - (a) dwellings that have been specifically designed for occupation by one or more than one elderly person;
  - (b) dwellings that have been specifically designed for occupation by travellers, where more than one such dwelling is provided on the land concerned;
  - (c) dwellings transferred to planning authorities in accordance with agreements under section 96 of the Planning and Development Act 2000, including dwellings provided on land or on sites so transferred, where the transfer is made for the purpose of providing housing referred to in section 94(4)((a)(i) of the said Act and the dwellings are on the land the subject of the planning application to which the agreement relates; and
  - (d) caravans, mobile homes or structures or things (whether on wheels or not) that are capable of being moved from one place to another (whether by towing, transport on a vehicle or trailer, or otherwise).

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 5th January, 2010.*



GIVEN under my Official Seal,  
22 December 2009

JOHN GORMLEY,  
Minister for the Environment, Heritage and Local Government.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These Regulations provide that Part 3 (Incremental Purchase Arrangements) of the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009) applies to all classes of dwelling that comply with the provisions of section 44 of that Act, other than:

- dwellings specifically designed for occupation by elderly persons;
- dwellings specifically designed for occupation by travellers in a group setting;
- dwellings transferred to a planning authority for social housing purposes in accordance with a Part V agreement entered into in fulfilment of a planning permission condition, including dwellings provided on land or a site so transferred, where the dwellings are located on the landholding that was the subject of the planning permission concerned; and
- caravans, etc., that are capable of being moved around.

Under section 44 of the 2009 Act, housing authorities and approved housing bodies may enter into incremental purchase arrangements for the sale of prescribed classes of dwellings (other than apartments) provided by them under the Housing Acts 1966 to 2009 or Part V of the Planning and Development Act 2000, where the dwellings are either—

- newly-built, or
- vacant and have not been let previously under an allocation scheme.

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