



STATUTORY INSTRUMENTS.

S.I. No. 253 of 2010



HOUSING (MISCELLANEOUS PROVISIONS) ACT 2009
(COMMENCEMENT) ORDER 2010

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I, MICHAEL FINNERAN, Minister of State at the Department of the Environment, Heritage and Local Government, in exercise of the powers conferred on me by section 1(4) of the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009) and the Environment, Heritage and Local Government (Delegation of Ministerial Functions) (No. 2) Order 2009 (S.I. No. 407 of 2009), hereby order as follows:

1. This Order may be cited as the Housing (Miscellaneous Provisions) Act 2009 (Commencement) Order 2010.

2. The “Act of 2009” means the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009).

3. The 14th day of June 2010 is appointed as the day on which the following provisions of the Act of 2009 come into operation:

(a) section 7 and Schedule 1, insofar as they apply to the repeal of section 11 of the Housing Act 1988 (No. 28 of 1988);

(b) section 8 and Schedule 2, insofar as they apply to the amendments set out in—

(i) Part 5 of that Schedule, as respects—

(I) subsection (1) of section 14, and

(II) subsection (2) of section 14 (insofar as it applies to a refusal to sell a dwelling—

(A) under paragraph (i), to an eligible household in the case of an incremental purchase arrangement, and

(B) under paragraph (iv), to a tenant, in the case of section 90 of the Housing Act 1966),

of the Housing (Miscellaneous Provisions) Act 1997 (No. 21 of 1997);

(ii) Part 9 of that Schedule, insofar as it applies to the substitution of subparagraph (ii) of paragraph (b) of the definition of “relevant purpose” in section 265(1) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005);

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 4th June, 2010.

- (c) section 22;
- (d) subsections (6), (7) and (8) of section 32;
- (e) section 33, insofar as it applies to—
 - (i) the following provisions of the Act of 2009 referred to in subsection (1)(a)—
 - (I) subsection (8) of section 32,
 - (II) subsection (4) of section 47, and
 - (III) subsections (5) and (6) of section 48,
 - (ii) section 11 of the Act of 1992 referred to in subsection (1)(c), and
 - (iii) the provision referred to in subsection (1)(d); and
- (f) section 34, insofar as it applies to—
 - (i) subsection (8) of section 32 of the Act of 2009 referred to in subsection (1)(a),
 - (ii) section 11 of the Act of 1992 referred to in subsection (1)(c), and
 - (iii) the provision referred to in subsection (1)(d).

GIVEN under my hand,
2 June 2010.

MICHAEL FINNERAN,
Minister of State at the Department of Environment, Heritage
and Local Government.

EXPLANATORY NOTE

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

This Order brings certain provisions of the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009) into operation on 14 June 2010, including:

- Section 8 and Part 5, Item 4 of Schedule 2, to the extent that they amend section 14 of the Housing (Miscellaneous Provisions) Act 1997 to, among other things, enable a housing authority to refuse to sell a dwelling under incremental purchase where the purchasing household or a household member is or has been engaged in anti-social behaviour or the sale of the dwelling to that household would not be in the interest of good estate management;
- section 22 relating to the allocation of local authority dwellings;
- section 33, insofar as it relates to the payment of interest on monies owing to housing authorities under certain statutory provisions specified in section 33(1); and
- section 34, insofar as it relates to arrangements with households for payment of monies owed to housing authorities under certain statutory provisions specified in section 34(1).

This is the third commencement order made under the 2009 Act. Previous orders (S.I. Nos. 449 and 540 of 2009) brought the following provisions, among others, into operation, as follows:

Commencement date of 1 December 2009:

- most of Part 1 (Preliminary and General),
- Part 2, Chapter 1 (Housing Services), and
- section 35 (Anti-social behaviour strategy);

Commencement date of 1 January 2010:

- Part 3 (Incremental Purchase Arrangements); and

Commencement date of 1 February 2010:

- Part 2, Chapter 6 (Homelessness Action Plans).

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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