



Isle of Man

Ellan Vannin

AT 1 of 1976

**HOUSING (MISCELLANEOUS
PROVISIONS) ACT 1976**



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**Isle of Man***Ellan Vannin*

HOUSING (MISCELLANEOUS PROVISIONS) ACT 1976

<i>Received Royal Assent:</i>	<i>19 January 1976</i>
<i>Passed:</i>	<i>16 March 1976</i>
<i>Commenced:</i>	<i>16 March 1976</i>

AN ACT to make further provision in the law relating to housing.

GENERAL NOTE: References to a Board of Tynwald are to be construed in accordance with the *Government Departments Act 1987 s 7*.

PART I – GENERAL PROVISIONS

1 Provision of housing by the Department of Infrastructure¹

- (1) The functions vested in a local authority under Part IV of the *Housing Act 1955* (in this Act referred to as “**the Act of 1955**”) shall, subject to the exceptions and modifications specified in Schedule 1 to this Act, also be exercisable by the Department.²
- (2) It is hereby declared that any house built by the former Local Government Board, prior to the date on which this section takes effect, pursuant to a resolution of Tynwald shall be deemed to have been built pursuant to this section, and Part IV of the Act of 1955, as modified by Schedule 1 to this Act, shall be deemed to have been in operation when the house was built.^{3 4}

2 Power of Department to combine with local authorities for certain housing purposes

- (1) Where the Department is satisfied that it is expedient for it to take joint action with any one or more local authorities for any of the purposes of the Housing Acts, the Department may, in conjunction with that authority or, as the case may be, those authorities make a housing scheme under this section, and the provisions of Schedule 2 to this Act shall have effect in relation to any such scheme.⁵

- (2) A housing scheme under this section shall not have effect until it has been approved by Tynwald.

3 Allocation of housing by the Department and local authorities

The Department, and every local authority, shall, in selecting tenants for housing provided by it, comply with the provisions set out in Schedule 3 to this Act.⁶

3A Power to assist adaptation of a disabled person's home

1981/36/2(e)

- (1) Subsection (2) applies if the Department is satisfied, in relation to a disabled person ("D") ordinarily resident in the Island, that it is necessary, in order to meet D's needs, for the Department to assist D –
- (a) by making arrangements for the adaptation of D's home; or
 - (b) by providing additional facilities designed to secure D's greater safety, comfort or convenience.
- (2) If this subsection applies, the Department may make such provision to meet D's needs as it considers appropriate.⁷

4 [Repealed]⁸

PART II – HOUSING ASSOCIATIONS

5 Power of the Department or a local authority to promote and assist housing associations

[P1957/56/119(1) and (3)]

- (1) The Department or a local authority may, for the purposes of this Part, promote the formation or extension of, or, subject to the provisions of this Part, assist, approved housing associations.⁹
- (2) Subject to the provisions of section 8(1) of this Act, the Department or a local authority may, for the assistance of an approved housing association –
- (a) make grants or loans to the association;
 - (b) subscribe for any share or loan capital of the association;
 - (c) guarantee, or join in guaranteeing, the payment of the principal of, and interest on, any money borrowed by the association (including money borrowed by the issue of loan capital) or of interest on any share capital issued by the association,

on such terms and conditions as to rate of interest and repayment or otherwise, and on such security, as the Department or the local authority thinks fit.¹⁰

6 Arrangements with housing associations for provision of housing

[P1957/56/120(1) and (2)]

- (1) Subject to the provisions of section 8(2) of this Act, the Department or a local authority may make arrangements with an approved housing association for the purpose of enabling the association to provide housing accommodation or to alter, enlarge, repair or improve houses or buildings which, or an estate or interest in which, the Department or the local authority have acquired with a view to the provision or improvement of housing accommodation.¹¹
- (2) Arrangements made under this section shall include such terms with regard to such matters, including the types of houses to be provided and the rents at which the houses provided are to be let, as may appear to the Department or the local authority to be expedient in relation to housing.¹²

7 Arrangements with housing associations for improvement of housing

[P1957/56/121(1) to (3)]

- (1) Subject to the provisions of section 8(2) of this Act, the Department or a local authority may make arrangements with an approved housing association for —
 - (a) the provision of dwellings by the association by means of the conversion of houses or other buildings;
 - (b) the alteration, enlargement, repair or improvement of dwellings by the housing association.¹³
- (2) Arrangements under this section shall include such terms with regard to such matters, including the rents at which the dwellings are to be let, as may appear to the Department or the local authority to be expedient in relation to housing.¹⁴
- (3) In this section, the reference to repair is a reference to such repair or replacement as either is incidental to the execution of works of improvement, alteration or enlargement or is, in the opinion of the Department or the local authority, needed for making such works fully effective.¹⁵

8 Supplementary provisions relating to ss 5 to 7

- (1) No assistance shall be granted under section 5 of this Act except with the prior approval —

- (a) where the assistance is to be given by the Department, of the Treasury;¹⁶
 - (b) in any other case, of the Department.¹⁷
- (2) No arrangements shall be entered into by a local authority under section 6 or 7 of this Act except with the prior approval of the Department.¹⁸
- (3) Any expenses incurred by a local authority in relation to approved housing associations shall be defrayed as expenses for general housing purposes under the Housing Acts.

9 Control by Department of dispositions of grant-aided land by housing associations

[P1974/44/2(1) mod.]

An approved housing association shall not sell, lease, mortgage, charge or otherwise dispose of any grant-aided land, except with the consent of the Department and of the Treasury.¹⁹

10 Meaning of “approved housing association”

[P1974/44/13(1) to (3) mod.]

- (1) A housing association shall not be treated as an approved housing association for the purposes of this Part unless the Department is satisfied that the association fulfils the conditions in subsection (2) below.²⁰
- (2) The conditions referred to in subsection (1) above are that the housing association does not trade for profit and is established for the purpose of, or has among its objects or powers those of, providing, constructing, improving or managing —
- (a) dwellings to be kept available for letting; or
 - (b) where the rules of the association restrict membership of the association to persons entitled or prospectively entitled (whether as tenants or otherwise) to occupy a dwelling provided or managed by the association, dwellings for occupation by members of the association,

and that, if the association has any additional purposes or objects, it has none which are not mentioned in subsection (3) below.

- (3) The additional purposes or objects referred to in subsection (2) above are those —
- (a) of providing land or buildings for purposes connected with the requirements of the persons occupying the dwellings provided or managed by the association;

- (b) of providing amenities or services for the benefit of those persons, either exclusively or together with other persons;
- (c) of encouraging and giving advice on the formation of other housing associations which would be eligible for approval by the Department; and²¹
- (d) of providing services for, and giving advice on the running of, approved housing associations.

11 Interpretation of Part II

[P1974/44/120(1) (part).]

In this Part, unless the context otherwise requires —

“**dwelling**” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to, or usually enjoyed with, that building or part;

“**grant-aided land**” means land in respect of which assistance has been granted under section 5 of this Act;

“**housing associations**” means a society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing, or facilitating or encouraging the construction or improvement, of houses.

PART III – MISCELLANEOUS AND SUPPLEMENTAL

12 [Repealed]²²

13 Interpretation

[P1964/56/44(1) (part) mod.]

In this Act, unless the context otherwise requires —

“**the Act of 1955**” has the meaning assigned to it by section 1(1) of this Act;

“**the Department**” means the Department of Infrastructure;²³

“**flat**” means a separate set of premises, whether or not on the same floor, constructed or adapted for use for the purpose of a dwelling for the occupation of one household and forming part of a building;

“**house let in multiple occupation**” means a house which is occupied by persons who do not form a single household, but does not include a flat;

“**the Housing Acts**” means the Housing Acts 1955 to 1970 and this Act.

14 Amendments

The Act of 1955 shall be amended in accordance with Schedule 6 to this Act.

15 [Repealed]²⁴**16 Short title, construction and commencement**

- (1) This Act may be cited as the Housing (Miscellaneous Provisions) Act 1976 and shall be construed as one with the Housing Acts 1955 to 1970, and those Acts and this Act may be cited together as the Housing Acts 1955 to 1976.
- (2) This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

SCHEDULE 1

EXCEPTIONS AND MODIFICATIONS OF PART IV OF THE ACT OF 1955 IN ITS APPLICATION TO HOUSING PROVIDED BY THE DEPARTMENT

Section 1²⁵

Provisions of Part IV	Subject Matter of Provisions	Exceptions and Modifications
Section 37	Duty of local authorities periodically to review housing conditions in their areas and to frame proposals.	Omit the section.
Section 38	Mode of provision of accommodation.	For references to a local authority substitute references to the Department.
Section 39	Power of local authority to acquire land for provision of accommodation.	
Section 40 Section 41 Section 42	Mode of acquisition of land for provision of accommodation. Restrictions as to compulsory acquisition of land for purposes of Part V. Appropriation of land for provision of accommodation	Substitute the following: — “40 Acquisition and appropriation of property for provision of accommodation (1) The Department may, for the purposes of this Part of this Act — (a) acquire any property mentioned in section 39 of this Act by agreement or, in default of agreement, compulsorily; ²⁶ (b) appropriate any such property vested in it for any other purpose.”.
Section 43	Powers of dealing with land acquired or appropriated for provision of accommodation.	For references to a local authority substitute references to the Department.
Section 44	Supplementary powers	

Provisions of Part IV	Subject Matter of Provisions	Exceptions and Modifications
	in connection with provision of accommodation	
Section 45	Execution of works in connection with housing operations by local authority outside its area.	Omit the sections.
Section 46	Adjustment of differences between local authorities as to carrying out proposals.	
Section 47	Management of local authority's houses.	For references to a local authority substitute references to the Department.
Section 48	Byelaws for regulation of local authority's houses.	Omit the references to a local authority.
Section 49	Conditions to be observed in management of local authority's houses.	(a) For "authority", wherever occurring, substitute "Department" (b) In subsection (3), omit "(subject to the approval of the Department)".

SCHEDULE 2

PROVISIONS RELATING TO HOUSING SCHEMES UNDER SECTION 2

Section 2(1)

1. A housing scheme under section 2 of this Act (in this Schedule referred to as "**the scheme**") may provide for all or any of the following matters —
- (a) enabling or requiring the combination to act jointly in carrying out such of the provisions of the Housing Acts as may be specified in the scheme in relation to the scheme;
 - (b) applying to the combination, with such modifications as may be specified in the scheme —
 - (i) any of the provisions of the Housing Acts which appear to the Department to be necessary or expedient for the purposes of the scheme; and²⁷
 - (ii) the relevant functions of a local authority under those Acts;
 - (c) establishing a committee in accordance with the scheme and vesting in the committee such of the functions conferred on the combination by the scheme as may be specified in the scheme;

- (d) apportioning the expenses arising from the functions conferred on the combination by the scheme and apportioning loans made under the scheme;
 - (e) the determination by the Department, after such consultations as may be specified in the scheme, of all matters which may arise under, or in connection with, the scheme and for which special provision is not made in the scheme;²⁸
 - (f) such other matters as may appear to the Department to be necessary or expedient for the purposes of establishing the scheme and of carrying it into effect.²⁹
2. Any local authority forming part of the combination may levy a rate in its district of such amount as may be approved from time to time by the Department in respect of its contribution, if any, towards the cost of administering the scheme.³⁰
3. A rate levied in accordance with paragraph 2 above shall be deemed to be expenses of the local authority for the purposes of section 350 of the *Local Government Consolidation Act 1916*, and those expenses shall —
- (a) be included in the estimates of that local authority for each relevant year;
 - (b) be levied and recovered as part of the rate of the district of the local authority; and
 - (c) form part of the district fund of the authority.
4. In this Schedule —
- “**the combination**” means the Department and such local authorities as may be specified in the scheme;
- “**functions**” includes powers and duties;
- “**the scheme**” has the meaning assigned to it by paragraph 1 above.

SCHEDULE 3

SELECTION OF TENANTS FOR PUBLIC SECTOR HOUSING³¹

Section 3

1. Subject to paragraphs 1A to 3, a person shall not be selected by the Department or a local authority for housing provided by it unless either that person or his spouse or civil partner shall, at the time of the application, have been ordinarily resident in the Island for a total period of not less than ten years.³²

1A. (1) The Department¹ may adopt an all-Island policy for the allocation of housing by the Department and local authorities.

- (2) Before adopting such a policy the Department shall consult all the local authorities that would be affected by it.
- (3) Such a policy shall not come into operation unless it has been approved by Tynwald.
- (4) Once such a policy has been adopted local authorities shall comply with it.³³

2. The Department or, as the case may be, the local authority may, where it is satisfied that —

- (a) the applicant or his family are living in insanitary or overcrowded conditions, or both; or
- (b) the court has made an order for possession in respect of the existing housing accommodation of the applicant or of that of his family; or
- (c) for any other reasons which appear to the Department or, as the case may be, to the local authority to be sufficient,³⁴

reduce the period of ten years mentioned in paragraph 1 above.³⁵

3. Paragraphs 1 and 1A above shall not apply to —

- (a) any industrial worker, where the Department of Economic Development has issued a certificate to the effect that the worker —
 - (i) is required for an industry in the Island; and
 - (ii) possesses skills which are not, at the date on which the certificate is issued, otherwise available in the Island for that industry; and³⁶
- (b) any person recruited for employment in the Island by the Government or a local authority; and
- (c) any person who, at the date this Act comes into operation, has been ordinarily resident in the Island for a total period of not less than five years and who, at that time, has been selected by the Department or a local authority for housing provided by it.^{37 38}

3A. (1) A person commits an offence if, for the purpose of obtaining the provision of housing under this Schedule, whether for that person or another, that person—

- (a) makes a statement or representation knowing it to be false; or

¹ i.e. the Department of Social Care

- (b) produces or furnishes, or knowingly causes or knowingly allows to be produced or furnished, any document or information knowing it to be false in a material particular.
- (2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding £5,000 or to custody for a term not exceeding 6 months, or both.
- (3) If a person is convicted of an offence under sub-paragraph (1) in connection with obtaining housing for himself or herself, the court may, in addition to any other penalty, make an order depriving that person of the estate or interest obtained as a result of the statement or representation or the production or furnishing of the document or information.

An order under this sub-paragraph may be suspended on such terms as the court thinks fit.³⁹

4. In this Schedule, “**the Government**” includes a Board of Tynwald and a Statutory Board.

SCHEDULE 4⁴⁰

SCHEDULE 5⁴¹

SCHEDULE 6

AMENDMENT OF THE ACT OF 1955

Section 14

[Sch 6 amends the following Act —
Housing Act 1955 q.v.]

SCHEDULE 7⁴²

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ S 1 heading amended by SD2014/08 and by SD2015/0109.

² Subs (1) amended by GC192/86.

³ Subs (2) amended by SD2014/08.

⁴ S 1 amended by SD155/10 Sch 6.

⁵ Subs (1) amended by GC192/86 and by Statute Law Revision Act 1997 Sch 2.

⁶ S 3 amended by GC192/86.

⁷ S 3A inserted by Equality Act 2017 Sch 23.

⁸ S 4 repealed by Housing (Amendment) Act 1990 Sch 3.

⁹ Subs (1) amended by GC192/86.

¹⁰ Subs (2) amended by GC192/86.

¹¹ Subs (1) amended by GC192/86.

¹² Subs (2) amended by GC192/86.

¹³ Subs (1) amended by GC192/86.

¹⁴ Subs (2) amended by GC192/86.

¹⁵ Subs (3) amended by GC192/86.

¹⁶ Para (a) amended by Treasury Act 1985 Sch 2 and by GC192/86.

¹⁷ Para (b) amended by GC192/86.

¹⁸ Subs (2) amended by GC192/86.

¹⁹ S 9 amended by Treasury Act 1985 Sch 2 and by GC192/86.

²⁰ Subs (1) amended by GC192/86.

²¹ Para (c) amended by GC192/86.

²² S 12 repealed by Housing (Amendment) Act 1990 Sch 3.

²³ Definition of “the Department” substituted by SD2015/0109.

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- ²⁴ S 15 repealed by Statute Law Revision Act 1983 Sch 2.
- ²⁵ Sch 1 amended by GC192/86.
- ²⁶ Para (a) amended by Statute Law Revision Act 1992 Sch 2.
- ²⁷ Item (i) amended by GC192/86.
- ²⁸ Subpara (e) amended by GC192/86.
- ²⁹ Subpara (f) amended by GC192/86.
- ³⁰ Para 2 amended by GC192/86.
- ³¹ Sch 3 heading substituted by Housing (Miscellaneous Provisions) Act 2011 Sch 3.
- ³² Para 1 amended by GC192/86, by Civil Partnership Act 2011 Sch 14 and by Housing (Miscellaneous Provisions) Act 2011 Sch 3 and such amendment is deemed to have come into operation on 20th October 1999, and the policy adopted by the former Department of Local Government and the Environment and approved by the Council of Ministers on 17th January 2002 shall be deemed to have had effect in accordance with paragraph 1A of this Schedule as if it had been approved by Tynwald on the latter date and references in that paragraph to the Department are to be read, in respect of times before 1st April 2010, as if they were references to that former Department. [See subpara 6(6) of Sch 3 to the Housing (Miscellaneous Provisions) Act 2011.]
- ³³ Para 1A inserted by Housing (Miscellaneous Provisions) Act 2011 Sch 3, and deemed to have come into operation on 20th October 1999, and the policy adopted by the former Department of Local Government and the Environment and approved by the Council of Ministers on 17th January 2002 shall be deemed to have had effect in accordance with this paragraph of this Schedule as if it had been approved by Tynwald on the latter date and references in this paragraph to the Department are to be read, in respect of times before 1st April 2010, as if they were references to that former Department. [See subpara 6(6) of Sch 3 to the Housing (Miscellaneous Provisions) Act 2011.]
- ³⁴ Subpara (c) amended by GC192/86.
- ³⁵ Para 2 amended by GC192/86.
- ³⁶ Subpara (a) amended by GC119/86 and by SD155/10 Sch 2.
- ³⁷ Subpara (c) amended by GC192/86.
- ³⁸ Para 3 amended by Housing (Miscellaneous Provisions) Act 2011 Sch 3, and such amendment deemed to have come into operation on 20th October 1999, and the policy adopted by the former Department of Local Government and the Environment and approved by the Council of Ministers on 17th January 2002 shall be deemed to have had effect in accordance with paragraph 1A of this Schedule as if it had been approved by Tynwald on the latter date and references in that paragraph to the Department are to be read, in respect of times before 1st April 2010, as if they were references to that former Department. [See subpara 6(6) of Sch 3 to the Housing (Miscellaneous Provisions) Act 2011.]
- ³⁹ Para 3A inserted by Housing (Miscellaneous Provisions) Act 2011 Sch 3.
- ⁴⁰ Sch 4 repealed by Housing (Amendment) Act 1990 Sch 3.
- ⁴¹ Sch 5 repealed by Housing (Amendment) Act 1990 Sch 3.
- ⁴² Sch 7 repealed by Statute Law Revision Act 1983 Sch 2.