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STATUTORY INSTRUMENTS

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**1978 No. 1050 (N.I. 20)**

**Rent (Northern Ireland) Order 1978 <sup>F1</sup>**

- - - - - [25th July 1978]

**F1** functions transf. by SR 1999/481

**PART I**  
**INTRODUCTORY**

**Title and commencement**

1. This Order<sup>F2</sup> may be cited as the Rent (Northern Ireland) Order 1978 ... *Commencement* ...

**F2** 1981 NI 3

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“commencement of this Order” means the date on which the provision of this Order in which that expression occurs comes into operation;

“the Department” means the Department of the Environment;

“dwelling-house” includes part of a house;

“the Executive” means the Northern Ireland Housing Executive;

“government department” includes a department of the Government of the United Kingdom;

“the Housing Acts” means the Housing Acts (Northern Ireland) 1890 to 1977;

“the landlord” includes any person from time to time deriving title under the original landlord and also includes, in relation to any dwelling-house, any person other than the tenant who is, or but for Part III would be, entitled to possession of the dwelling-house;

“let” includes sub-let;

“net annual value” means the net annual value under the Rates (Northern Ireland) Order 1977 ;

“prescribed” means prescribed by regulations made by the Department;

“private tenancy” means any tenancy except—

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)*

- (a) a tenancy under which the estate of the landlord belongs to—
  - (i) the Crown (whether in right of Her Majesty's Government in the United Kingdom or in Northern Ireland);
  - (ii) a government department;
  - (iii) the Executive;
  - (iv) a registered housing association;
 or is held in trust for Her Majesty for the purposes of a government department;
- (b) a tenancy the purpose of which is to confer on the tenant the right to occupy a dwelling-house for a holiday;

“protected tenancy” has the meaning assigned by Article 3(1);

“Public Health Acts” means the Public Health Acts (Northern Ireland) 1878 to 1967;

*Definition rep. by 1985 NI 15*

“rates” means the regional rate and the district rate;

“registered”, in relation to a housing association, means registered in the register maintained under<sup>F3</sup> Part VII of the Housing (Northern Ireland) Order 1981];

F4 .....

F5 .....

“rent” does not include any sum payable on account of rates;

“Rent Restriction Acts” means the Rent and Mortgage Interest (Restriction) Acts (Northern Ireland) 1920 to 1932 or Part II of the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland) 1940 ;

“rental period” means a period in respect of which a payment of rent falls to be made;

F6 .....

F7 .....

“statutory tenant” shall be construed in accordance with Article 4(5);

“tenancy” includes a statutory tenancy;

“tenant” includes a statutory tenant and also includes a sub-tenant and any person deriving title under the original tenant or sub-tenant.

<b>F3</b>	1983 NI 15
<b>F4</b>	Definition of "regulated rent certificate" in art. 2(2) repealed (1.4.2007) by <a href="#">Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10))</a> , arts. 1(3), 75, <b>Sch. 5</b> ; S.R. 2006/428, <b>art. 3(b)(c)</b>
<b>F5</b>	Definition of "regulated tenancy" in art. 2(2) repealed (1.4.2007) by <a href="#">Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10))</a> , arts. 1(3), 75, <b>Sch. 5</b> ; S.R. 2006/428, <b>art. 3(b)(c)</b>
<b>F6</b>	Definition of "restricted rent certificate" in art. 2(2) repealed (1.4.2007) by <a href="#">Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10))</a> , arts. 1(3), 75, <b>Sch. 5</b> ; S.R. 2006/428, <b>art. 3(b)(c)</b>
<b>F7</b>	Definition of "restricted tenancy" in art. 2(2) repealed (1.4.2007) by <a href="#">Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10))</a> , arts. 1(3), 75, <b>Sch. 5</b> ; S.R. 2006/428, <b>art. 3(b)(c)</b>

## PART II

### [<sup>F8</sup> PROTECTED AND STATUTORY TENANCIES]

**F8** Heading of Pt. II substituted (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 74, **Sch. 4 para. 2**; S.R. 2006/428, **art. 3(b)(c)**

#### Protected tenancies

3.—[<sup>F9</sup>(1) A tenancy of a dwelling-house is a protected tenancy for the purposes of this Order if—  
(a) the Rent Restriction Acts applied to the dwelling-house immediately before the commencement of this Order (1st October 1978), and

(b) the dwelling-house was, immediately after that commencement, let under that tenancy as a separate dwelling.

(1A) A tenancy of a dwelling-house is a protected tenancy for the purposes of this Order if—

(a) paragraph (2) applies to the dwelling-house, and

(b) the dwelling-house was, immediately before the commencement of Article 56 of the Private Tenancies (Northern Ireland) Order 2006, let under that tenancy as a separate dwelling.]

[<sup>F10</sup>(2) This paragraph applies to a dwelling-house let by an unregistered housing association if, immediately before the commencement of Part V of the Housing (Northern Ireland) Order 1983, this Order applied to such a dwelling-house, or would have so applied if the landlord had not been an unregistered housing association.

(2A) In paragraph (2) “unregistered housing association” means a housing association, as defined in [<sup>F11</sup> Article 3 of the Housing (Northern Ireland) Order 1992 which is not registered under Article 14 of that Order.]

[<sup>F12</sup>(2B) A tenancy of a dwelling-house is a protected tenancy for the purposes of this Order if, immediately before the commencement of Article 56 of the Private Tenancies (Northern Ireland) Order 2006, that tenancy was a protected tenancy by virtue of Article 5 of this Order.]

(3) If any question arises in any proceedings whether the Rent Restriction Acts applied to a dwelling-house immediately before the commencement of this Order, it shall be deemed to be a dwelling-house to which those Acts applied unless the contrary is shown.

[<sup>F13</sup>(3A) For the purposes of this Article, a dwelling-house may be a house or part of a house.]

(4) In this Order “protected tenancy” does not include a fee farm grant or a tenancy granted for a term certain exceeding ninety-nine years, unless that tenancy is, or may become, terminable before the end of that term by notice given to the tenant.

**F9** Art. 3(1)(1A) substituted (1.4.2007) for art. 3(1) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), **56(2)**; S.R. 2006/428, **art. 3(b)**

**F10** 1983 NI 15

**F11** 1992 NI 15

**F12** Art. 3(2B) inserted (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), **56(3)**; S.R. 2006/428, **art. 3(b)**

**F13** Art. 3(3A) inserted (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), **56(4)**; S.R. 2006/428, **art. 3(b)**

Status: Point in time view as at 01/04/2007.

Changes to legislation: There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)

**Statutory tenants and tenancies**

4.—(1) After the termination of a protected tenancy of a dwelling-house the person who, immediately before that termination, was the protected tenant of the dwelling-house shall, if and so long as he occupies the dwelling-house as his residence, be the statutory tenant of it.

(2) Schedule 1 shall have effect for determining what person (if any) is the statutory tenant of a dwelling-house<sup>F14</sup> . . . after the death of a person who, immediately before his death, was either a protected tenant of the dwelling-house or the statutory tenant of it by virtue of paragraph (1) or (5).

(3) In paragraph (1) and in Schedule 1, the phrase “if and so long as he occupies the dwelling-house as his residence” shall be construed as requiring the fulfilment of the same, and only the same, qualifications (whether as to residence or otherwise) as had to be fulfilled before the commencement of this Order to entitle a tenant, within the meaning of the Rent Restriction Acts, to retain possession, by virtue of those Acts and not by virtue of a tenancy, of a dwelling-house to which those Acts applied.

(4) A person who becomes a statutory tenant of a dwelling-house as mentioned in paragraph (1) is, in this Order, referred to as a statutory tenant by virtue of his previous protected tenancy, and a person who becomes a statutory tenant as mentioned in paragraph (2) is, in this Order, referred to as a statutory tenant by succession.

(5) In this Order—

- (a) any reference to a statutory tenant by virtue of his previous protected tenancy shall be deemed to include a reference to a person—
  - (i) who has been the tenant under a tenancy of a dwelling-house to which the Rent Restriction Acts applied immediately before the commencement of this Order; and
  - (ii) who has retained possession of that dwelling-house by virtue of those Acts and is in possession of that dwelling-house immediately before that commencement;
- (b) any reference to a statutory tenant by succession shall be deemed to include a reference to a tenant of a dwelling-house to which the Rent Restriction Acts applied immediately before the commencement of this Order whose right to retain possession of that dwelling-house by virtue of the Acts arose on the death of either—
  - (i) a person who had been the tenant under a tenancy of the dwelling-house and had retained possession of that dwelling-house by virtue of the Rent Restriction Acts; or
  - (ii) a person who became the tenant of the dwelling-house after the death of such a person as is mentioned in head (i),

and “statutory tenant” shall be construed accordingly.

(6) In this Order a dwelling-house is referred to as subject to a statutory tenancy when there is a statutory tenant of it.

**F14** Words in art. 4(2) repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 74, 75, Sch. 4 para. 3, Sch. 5; S.R. 2006/428, art. 3(b)(c)

**Application to new tenancies**

5.<sup>F15</sup> .....

**F15** Art. 5 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 57(3), 75, Sch. 5 (with art. 57(4)); S.R. 2006/428, art. 3(b)(c)

Art. 6 rep. by 1989 NI 4

## Restricted and regulated tenancies

### 7. <sup>F16</sup> .....

**F16** Arts. 7-11 repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, [Sch. 5](#); S.R. 2006/428, [art. 3\(b\)\(c\)](#)

## Restricted and regulated rent certificates

### 8. <sup>F17</sup> .....

**F17** Arts. 7-11 repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, [Sch. 5](#); S.R. 2006/428, [art. 3\(b\)\(c\)](#)

## Conversion of restricted tenancies

### 9. <sup>F18</sup> .....

**F18** Arts. 7-11 repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, [Sch. 5](#); S.R. 2006/428, [art. 3\(b\)\(c\)](#)

## Ancillary provisions as to applications under Articles 8 and 9

### 10. <sup>F19</sup> .....

**F19** Arts. 7-11 repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, [Sch. 5](#); S.R. 2006/428, [art. 3\(b\)\(c\)](#)

## Appeal to county court

### 11. <sup>F20</sup> .....

**F20** Arts. 7-11 repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, [Sch. 5](#); S.R. 2006/428, [art. 3\(b\)\(c\)](#)

## Premises with a business use

12.—(1) Subject to paragraph (2), the fact that part of the premises comprised in a dwelling-house is used as a shop or office or for business, trade or professional purposes shall not prevent the dwelling-house from being let on a protected tenancy or subject to a statutory tenancy.

(2) Paragraphs (3) to (5) apply, subject to paragraph (6), where, immediately before the commencement of this Order, part ( “the non-residential part”) of a house to which the Rent Restriction Acts applied was used as a shop or office or for business, trade or professional purposes.

[<sup>F21</sup>(3) Where it is possible to enter the part of the house used as a dwelling (“the residential part”) without passing through the non-residential part, Articles 3 and 4 shall apply only to the residential part.

(4) Where it is possible to enter the residential part only by passing through the non-residential part, Articles 3 and 4 shall apply to the entire house.]

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)*

(5) In the application of Article 7(2) as respects any such house as is referred to in paragraph (2), the non-residential part shall be left out of account.

(6) A tenancy of a dwelling-house which consists of or comprises premises licensed for the sale of intoxicating liquors for consumption on the premises shall not be a protected tenancy, nor shall such a dwelling-house be the subject of a statutory tenancy.

*Para. (7) rep. by 1996 NI 5*

**F21** Art. 12(3)(4) substituted (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), **58**; S.R. 2006/428, **art. 3(b)**

## PART III

### SECURITY OF TENURE

*Limitations on recovery of possession of dwelling-houses  
let on protected tenancies or subject to statutory tenancies*

#### Grounds for possession of certain dwelling-houses

**13.**—(1) Subject to the following provisions of this Part, a court shall not make an order for possession of a dwelling-house which is for the time being let on a protected tenancy or subject to a statutory tenancy unless the court considers it reasonable to make such an order and either—

- (a) the court is satisfied that suitable alternative accommodation is available for the tenant or will be available for him when the order in question takes effect, or
- (b) the circumstances are as specified in any of the Cases in Part I of Schedule 4.

(2) If, apart from paragraph (1), the landlord would be entitled to recover possession of a dwelling-house which is for the time being let on a protected tenancy or subject to a statutory tenancy, the court shall make an order for possession if the circumstances of the case are as specified in any of the Cases in Part II of Schedule 4.

(3) Part III of Schedule 4 shall have effect in relation to Case 8 in that Schedule.

(4) Part IV of Schedule 4 shall have effect for determining whether, for the purposes of paragraph (1)(a), suitable alternative accommodation is or will be available for a tenant.

[<sup>F22</sup>(5) Part V of Schedule 4 shall have effect for the purpose of setting out the conditions which are relevant to Cases 11, 12 and 18 of that Schedule.]

**F22** [1983 NI 15](#)

#### Extended discretion of court in claims for possession of certain dwelling-houses

**14.**—(1) Subject to paragraph (5), a court may adjourn, for such period or periods as it thinks fit, proceedings for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy.

(2) On the making of an order for possession of such a dwelling-house or at any time before the enforcement of such an order (whether made before or after the commencement of this Order), the court, subject to paragraph (5), on the application of the tenant or of the tenant's spouse<sup>[F23]</sup> or civil partner<sup>[F23]</sup> if that spouse<sup>[F23]</sup> or civil partner<sup>[F23]</sup> is occupying the dwelling-house as his or her residence, may—

- (a) stay or suspend enforcement of the order, or
- (b) postpone the date of possession,

for such period or periods as the court thinks fit.

[<sup>F24</sup>(3) On any such adjournment as is referred to in paragraph (1) or any such stay, suspension or postponement as is referred to in paragraph (2), the court shall, unless it considers that to do so would cause exceptional hardship to the tenant or would otherwise be unreasonable, impose conditions with regard to payment by the tenant of arrears of rent (if any) and rent or payments in respect of occupation after termination of the tenancy (mesne profits) and may impose such other conditions as it thinks fit.]

(4) If any such conditions as are referred to in paragraph (3) are complied with, the court may, if it thinks fit, discharge or rescind any such order as is referred to in paragraph (2).

[<sup>F25</sup>(4A) Paragraph (4B) applies in any case where—

- (a) proceedings are brought for possession of a dwelling house which is let on a protected tenancy or subject to a statutory tenancy;
- (b) the[<sup>F23</sup> tenant's spouse or former spouse, or civil partner or former civil partner, having home rights][<sup>F26</sup> under the Family Homes and Domestic Violence (Northern Ireland) Order 1998], is then in occupation of the dwelling house; and
- (c) the tenancy is, or may be, terminated as a result of those proceedings.

(4B) In any case to which this paragraph applies, the spouse or former spouse[<sup>F23</sup>, or the civil partner or former civil partner,] shall, so long as he or she remains in occupation, have the same rights in relation to, or in connection with, any such adjournment as is referred to in paragraph (1) or any such stay, suspension or postponement as is referred to in paragraph (2), as he or she would have if[<sup>F23</sup> those home rights] were not affected by the termination of the tenancy.]

[<sup>F26</sup>(4C) Paragraph (4D) applies in any case where—

- (a) proceedings are brought for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy;
- (b) an order is in force under Article 13 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 conferring rights on the[<sup>F23</sup> former spouse or former civil partner of the tenant] or an order is in force under Article 14 of that Order conferring rights on a cohabitee or former cohabitee (within the meaning of that Order) of the tenant;
- (c) that former spouse,[<sup>F23</sup> former civil partner,] cohabitee or former cohabitee is then in occupation of the dwelling-house; and
- (d) the tenancy is or may be terminated as a result of those proceedings.

(4D) In any case to which this paragraph applies, the former spouse,[<sup>F23</sup> former civil partner,] cohabitee or former cohabitee shall, so long as he or she remains in occupation, have the same rights in relation to, or in connection with, any such adjournment as is referred to in paragraph (1) or any such stay, suspension or postponement as is referred to in paragraph (2), as he or she would have if the rights conferred by the order referred to in paragraph (4C)(b) were not affected by the termination of the tenancy.]

(5) [<sup>F25</sup>Paragraphs (1) to[<sup>F26</sup> (4D)]] shall not apply if the circumstances are as specified in any of the Cases in Part II of Schedule 4.

**F23** 2004 c.33  
**F24** 1983 NI 15  
**F25** 1984 NI 14

*Status: Point in time view as at 01/04/2007.*

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**F26** 1998 NI 6

*Protected and statutory tenancies*

**Terms and conditions of statutory tenancies**

**15.**—(1) So long as he retains possession, a statutory tenant shall observe and be entitled to the benefit of all the terms and conditions of the original contract of tenancy, so far as they are consistent with this Order.

(2) A statutory tenant of a dwelling-house shall be entitled to give up possession of the dwelling-house only—

- (a) if he gives such notice as would have been required under the original contract of tenancy, or
- (b) if no notice would have been so required, on giving not less than four weeks' notice.

(3) Notwithstanding anything in the contract of tenancy, a landlord who obtains an order for possession of a dwelling-house as against a statutory tenant shall not be required to give the statutory tenant any notice to quit.

**Payments demanded by protected or statutory tenants as a condition of giving up possession**

**16.**—(1) A protected or statutory tenant of a dwelling-house who, as a condition of giving up possession of the dwelling-house, asks for or receives the payment of any sum, or the giving up of any other consideration, by any person other than the landlord, shall be guilty of an offence and liable to<sup>F27</sup> a fine not exceeding £500].

(2) Where a protected or statutory tenant of a dwelling-house requires that furniture or other articles shall be purchased as a condition of his giving up possession of the dwelling-house—

- (a) the price demanded shall, at the request of the person on whom the demand is made, be stated in writing, and
- (b) if the price exceeds the reasonable price of the articles, the excess shall be treated, for the purposes of paragraph (1), as a sum asked to be paid as a condition of giving up possession.

(3) The court by which a person is convicted of an offence under this Article may order the payment—

- (a) to the person who made any such payment, or gave any such consideration, as is referred to in paragraph (1), of the amount of that payment or the value of that consideration, or
- (b) to the person who paid any such price as is referred to in paragraph (2)( a), of the amount by which the price paid exceeds the reasonable price.

**F27** 1983 NI 15

*Changes of statutory tenants*

**Change of statutory tenant by agreement**

**17.** <sup>F28</sup> .....

**F28** Art. 17 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 59(3), 75, Sch. 5 (with art. 59(4)); S.R. 2006/428, art. 3(b)(c)



## No pecuniary consideration to be required on change of tenant under Article 17

### 18. <sup>F29</sup> .....

**F29** Art. 18 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 59(3), 75, Sch. 5 (with art. 59(4)); S.R. 2006/428, art. 3(b)(c)

### Miscellaneous

## Determination of sub-tenancies

### [<sup>F30</sup>19. Where—

- (a) the whole or part of a dwelling-house—
  - (i) let on a protected tenancy, or
  - (ii) subject to a statutory tenancy,is sub-let; and
- (b) after the commencement of Article 59 of the Private Tenancies (Northern Ireland) Order 2006 the landlord becomes entitled, as against the tenant, to possession of the dwelling-house;

the landlord shall also be entitled to possession against the sub-tenant.]

**F30** Art. 19 substituted (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 59(5); S.R. 2006/428, art. 3(b)

## Compensation for misrepresentation or concealment

### 20. Where in such circumstances as are specified in any Case in Schedule 4—

- (a) a landlord obtains an order for possession of a dwelling-house let on a protected tenancy or subject to a statutory tenancy; and
- (b) it is subsequently made to appear to the court that the order was obtained by misrepresentation or concealment of material facts,

the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as a result of the order.

## PART IV

### RENTS UNDER REGULATED TENANCIES

#### *Rent limit under regulated tenancies*

## Limit of rent under regulated tenancies

### 21. <sup>F31</sup> .....

**F31** Pts. IV-VII repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 75, Sch. 5 (with savings in S.R. 2007/40, art. 2); S.R. 2006/428, art. 3(b)(c)

*Status: Point in time view as at 01/04/2007.*

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**Ancillary provisions as to notices of increase**

22. <sup>F32</sup> .....

**F32** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40, art. 2](#)); [S.R. 2006/428, art. 3\(b\)\(c\)](#)

*Enforcement*

**Recovery from landlord of sums paid in excess of recoverable rent, etc.**

23. <sup>F33</sup> .....

**F33** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40, art. 2](#)); [S.R. 2006/428, art. 3\(b\)\(c\)](#)

*Interpretation*

**Interpretation of Part IV**

24. <sup>F34</sup> .....

**F34** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40, art. 2](#)); [S.R. 2006/428, art. 3\(b\)\(c\)](#)

**PART V**

**REGISTRATION AND DETERMINATION OF RENTS**

**Register of rents**

25. <sup>F35</sup> .....

**F35** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40, art. 2](#)); [S.R. 2006/428, art. 3\(b\)\(c\)](#)

**Amounts attributable to services**

25A. <sup>F36</sup> .....

**F36** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40, art. 2](#)); [S.R. 2006/428, art. 3\(b\)\(c\)](#)

**Removal of tenancies from the register**

25B. <sup>F37</sup> .....

**F37** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in S.R. 2007/40, art. 2); S.R. 2006/428, **art. 3(b)(c)**

### Application for registration of rent

**26.** <sup>F38</sup> .....

**F38** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in S.R. 2007/40, art. 2); S.R. 2006/428, **art. 3(b)(c)**

### Applications to rent assessment committee

**27.** <sup>F39</sup> .....

**F39** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in S.R. 2007/40, art. 2); S.R. 2006/428, **art. 3(b)(c)**

### Rent assessment committees: constitution, etc.

**28.** <sup>F40</sup> .....

**F40** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in S.R. 2007/40, art. 2); S.R. 2006/428, **art. 3(b)(c)**

### Recoupment of rates, etc. from tenants

**29.** <sup>F41</sup> .....

**F41** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in S.R. 2007/40, art. 2); S.R. 2006/428, **art. 3(b)(c)**

### Effect of registration of rent

**30.** <sup>F42</sup> .....

**F42** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in S.R. 2007/40, art. 2); S.R. 2006/428, **art. 3(b)(c)**

### Application for determination of appropriate rent following change in condition of dwelling-houses, etc.

**31.** <sup>F43</sup> .....

**F43** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in S.R. 2007/40, art. 2); S.R. 2006/428, **art. 3(b)(c)**

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)*

### Applications for determination of future rent

32. <sup>F44</sup> .....

**F44** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40](#), art. 2); [S.R. 2006/428](#), **art. 3(b)(c)**

### Review of registered rents

33. <sup>F45</sup> .....

**F45** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40](#), art. 2); [S.R. 2006/428](#), **art. 3(b)(c)**

### Collection of information about certain tenancies

34. <sup>F46</sup> .....

**F46** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40](#), art. 2); [S.R. 2006/428](#), **art. 3(b)(c)**

### Offences under Part V

35. <sup>F47</sup> .....

**F47** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40](#), art. 2); [S.R. 2006/428](#), **art. 3(b)(c)**

## PART VI

### RENTS UNDER RESTRICTED TENANCIES

#### Rents of restricted tenancies

36. <sup>F48</sup> .....

**F48** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40](#), art. 2); [S.R. 2006/428](#), **art. 3(b)(c)**

#### Recovery from landlord of sums paid in excess of recoverable rent, etc.

37. <sup>F49</sup> .....

**F49** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40](#), art. 2); [S.R. 2006/428](#), **art. 3(b)(c)**

## PART VII

### RENT BOOKS AND RIGHTS AND REPAIRING OBLIGATIONS UNDER REGULATED TENANCIES

#### Rent books for private tenancies

38. <sup>F50</sup> .....

**F50** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40](#), art. 2); [S.R. 2006/428](#), **art. 3(b)(c)**

#### Offences under Article 38

39. <sup>F51</sup> .....

**F51** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40](#), art. 2); [S.R. 2006/428](#), **art. 3(b)(c)**

#### Provisions applied to regulated tenancies

40. <sup>F52</sup> .....

**F52** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40](#), art. 2); [S.R. 2006/428](#), **art. 3(b)(c)**

#### Landlord's duties to repair, etc. under regulated tenancy

41. <sup>F53</sup> .....

**F53** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40](#), art. 2); [S.R. 2006/428](#), **art. 3(b)(c)**

#### Care of premises by tenant under regulated tenancy

42. <sup>F54</sup> .....

**F54** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40](#), art. 2); [S.R. 2006/428](#), **art. 3(b)(c)**

#### Landlord's obligations under regulated tenancy of parts of building

43. <sup>F55</sup> .....

**F55** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40](#), art. 2); [S.R. 2006/428](#), **art. 3(b)(c)**

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)*

**General qualifications on landlord's duties**

44. <sup>F56</sup> .....

**F56** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40, art. 2](#)); [S.R. 2006/428, art. 3\(b\)\(c\)](#)

**Standard of repair and knowledge of disrepair**

45. <sup>F57</sup> .....

**F57** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40, art. 2](#)); [S.R. 2006/428, art. 3\(b\)\(c\)](#)

**Certificates of disrepair**

46. <sup>F58</sup> .....

**F58** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40, art. 2](#)); [S.R. 2006/428, art. 3\(b\)\(c\)](#)

**Appeals in relation to certificates of disrepair**

47. <sup>F59</sup> .....

**F59** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40, art. 2](#)); [S.R. 2006/428, art. 3\(b\)\(c\)](#)

**Enforcement, etc. of certificates of disrepair**

48. <sup>F60</sup> .....

**F60** Pts. IV-VII repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5** (with savings in [S.R. 2007/40, art. 2](#)); [S.R. 2006/428, art. 3\(b\)\(c\)](#)

**PART VIII**

**PREMIUMS, ETC.**

**Prohibition of premiums and loans on [<sup>F61</sup>renewal] , etc. of protected tenancies**

49.—(1) Any person who, as a condition of the <sup>F62</sup> . . . renewal or continuance of a protected tenancy, requires, in addition to the rent, the payment of any premium or the making of any loan (whether secured or unsecured) shall be guilty of an offence under this Article.

(2) Any person who, in connection with the <sup>F63</sup> . . . renewal or continuance of a protected tenancy, receives any premium, or any loan, in addition to the rent, shall be guilty of an offence under this Article.

(3) A person guilty of an offence under this Article shall be liable to a fine not exceeding £1,000.

(4) The court by which a person is convicted of an offence under the provisions of this Article relating to requiring or receiving any premium may order the amount of the premium to be repaid to the person by whom it was paid.

- F61** Word in the heading of art. 49 substituted (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 74, **Sch. 4 para. 4(a)**; S.R. 2006/428, **art. 3(b)(c)**
- F62** Word in art. 49(1) repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 74, 75, Sch. 4 para. 4(b), **Sch. 5**; S.R. 2006/428, **art. 3(b)(c)**
- F63** Word in art. 49(2) repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 74, 75, Sch. 4 para. 4(b), **Sch. 5**; S.R. 2006/428, **art. 3(b)(c)**

### Prohibition of premiums and loans on assignment of protected tenancies

**50.** <sup>F64</sup> .....

- F64** [Art. 50](#) repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, **Sch. 5**; S.R. 2006/428, **art. 3(b)(c)**

### Excessive price for furniture to be treated as premium

**51.** Where the purchase of any furniture has been required as a condition of the grant, renewal, continuance or assignment of a protected tenancy then, if the price exceeds the reasonable price of the furniture, the excess shall be treated, for the purposes of this Part, as if it were a premium required to be paid as a condition of the grant, renewal, continuance or assignment of the tenancy.

### Recovery of premiums and loans unlawfully required or received

**52.**—(1) Where under any agreement (whether made before or after the commencement of this Order)—

- (a) any premium is paid after that commencement; and
- (b) the whole or any part of that premium could not lawfully be required or received under the preceding provisions of this Part,

the amount of the premium or, as the case may be, so much of it as could not lawfully be required or received, shall be recoverable by the person by whom it was paid.

(2) Nothing in Article 49 or 51 shall invalidate any agreement for the making of a loan or any security issued in pursuance of such an agreement but, notwithstanding anything in the agreement for the loan, any sum lent in circumstances involving a contravention of either of those Articles shall be repayable to the lender on demand.

### Interpretation of Part VIII

**53.**—(1) In this Part—

“furniture” includes fittings and other articles;

<sup>F65</sup>“premium” includes—

- (a) any fine or other like sum;
- (b) any other pecuniary consideration in addition to rent; and

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- (c) any sum paid by way of a deposit, other than one which does not exceed one-sixth of the annual rent and is reasonable in relation to the potential liability in respect of which it is paid.]
- (2) Nothing in this Part renders any amount recoverable more than once.

F65 1983 NI 15

## PART IX

### PROTECTION AGAINST HARASSMENT AND EVICTION WITHOUT DUE PROCESS OF LAW

#### Modifications etc. (not altering text)

- C1 Pt. IX (arts. 54-58) excluded (17.9.2011) by [Caravans Act \(Northern Ireland\) 2011 \(c. 12\)](#), ss. 14(3), 18

#### Unlawful eviction and harassment of occupier

54.—(1) If any person unlawfully deprives the tenant of a dwelling-house of his occupation of the dwelling-house or any part thereof or attempts to do so he shall be guilty of an offence unless he proves that he believed, and had reasonable cause to believe, that the tenant had ceased to reside in the dwelling-house.

- (2) If any person with intent to cause the tenant of a dwelling-house—
- (a) to give up the occupation of the dwelling-house or any part thereof; or
  - (b) to refrain from exercising any right or pursuing any remedy in respect of the dwelling-house or any part thereof;

does acts [<sup>F66</sup>likely] to interfere with the peace or comfort of the tenant or members of his household, or persistently withdraws or withholds services reasonably required for the occupation of the dwelling-house as a residence, he shall be guilty of an offence.

[<sup>F67</sup>(2A) Subject to paragraph (2B), the landlord of a dwelling-house or an agent of the landlord shall be guilty of an offence under this Order if—

- (a) he does acts likely to interfere with the peace and comfort of the tenant of the dwelling-house or members of his household, or
- (b) he persistently withdraws or withholds services reasonably required for the occupation of the dwelling-house as a residence,

and, (in either case) he knows, or has reasonable cause to believe, that the conduct is likely to cause the tenant to give up occupation of the whole or part of the premises or to refrain from exercising any right or pursuing any remedy in respect of the whole or part of the premises.

(2B) A person shall not be guilty of an offence under paragraph (2A) if he proves that he had reasonable grounds for doing the acts or withdrawing or withholding the services in question.]

- (3) A person guilty of an offence under this Article shall be liable—
- (a) on summary conviction, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding six months or to both; and



(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

[<sup>F68</sup>(3A) Proceedings for an offence under this Article may be instituted by the district council in whose district the dwelling-house is situated.]

(4) Nothing in this Article shall prejudice any liability or remedy to which a person guilty of an offence thereunder may be subject in civil proceedings.

**F66** Word in art. 54(2) substituted (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), **60(2)**; S.R. 2006/428, art. **3(b)**

**F67** Art. 54(2A)(2B) inserted (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), **60(3)**; S.R. 2006/428, art. **3(b)**

**F68** 1992 NI 15

**Modifications etc. (not altering text)**

**C2** Arts. 54-58 excluded (17.9.2011) by Caravans Act (Northern Ireland) 2011 (c. 12), ss. **14(3)**, 18

**Restriction on re-entry without due process of law**

**55.** Where any premises are let as a dwelling-house on a lease which is subject to a right of re-entry or forfeiture it shall not be lawful to enforce that right otherwise than in pursuance of proceedings in the court while any person is lawfully residing in the premises or any part of them.

**Modifications etc. (not altering text)**

**C3** Arts. 54-58 excluded (17.9.2011) by Caravans Act (Northern Ireland) 2011 (c. 12), ss. **14(3)**, 18

**Prohibition of eviction without due process of law**

**56.—**(1) Where any premises have been let as a dwelling-house under a tenancy and—

- (a) the tenancy (in this Part referred to as “the former tenancy”) has come to an end; but
- (b) the occupier continues to reside in the premises or part of them;

it shall not be lawful for the owner to enforce against the occupier, otherwise than in pursuance of proceedings in the court, his right to recover possession of the premises.

(2) Paragraph (1) shall, with the necessary modifications, apply where the owner's right to recover possession arises on the death of the tenant under a statutory tenancy.

(3) In this Article “occupier” means any person lawfully residing in a dwelling-house at the termination of the former tenancy.

**Modifications etc. (not altering text)**

**C4** Arts. 54-58 excluded (17.9.2011) by Caravans Act (Northern Ireland) 2011 (c. 12), ss. **14(3)**, 18

**Savings (Part IX)**

**57.—**(1) Nothing in this Part shall affect the jurisdiction of the High Court in proceedings—

- (a) to enforce a lessor's right of re-entry or forfeiture;
- (b) to enforce a mortgagee's right of possession in a case where the former tenancy was not binding on the mortgagee.

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- (2) Nothing in this Part shall affect the operation of—
  - (a) section 19 of the Defence Act 1842 ;
  - (b) section 91 of the Lands Clauses Consolidation Act 1845 ;
  - (c) section 5(1) of the Criminal Law Amendment Act 1912 .
  - [<sup>F69</sup>(d) Article 129 of, and Schedule 15 to, the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985]

**F69** 1985 NI 11

**Modifications etc. (not altering text)**

**C5** Arts. 54-58 excluded (17.9.2011) by [Caravans Act \(Northern Ireland\) 2011 \(c. 12\), ss. 14\(3\), 18](#)

**Interpretation of Part IX**

**58.**—(1) In this Part—

“the court” means—

- (a) the county court, in relation to premises with respect to which the county court has for the time being jurisdiction in actions for the recovery of land; and
- (b) the High Court, in relation to other premises;

“the owner”, in relation to any premises, means the person who, as against the occupier, is entitled to possession of the premises.

(2) For the purpose of this Part a person who, under the terms of his employment, had exclusive possession of a dwelling-house otherwise than as a tenant shall be deemed to have been a tenant and “let” and “tenancy” shall be construed accordingly.

**Modifications etc. (not altering text)**

**C6** Arts. 54-58 excluded (17.9.2011) by [Caravans Act \(Northern Ireland\) 2011 \(c. 12\), ss. 14\(3\), 18](#)

*Part X (Arts. 59#61) rep. by 1983 NI 14*

**PART XI**

**MISCELLANEOUS AND GENERAL**

**Length of notice to quit under tenancies of dwelling-houses**

**62.** <sup>F70</sup> .....

**F70** Art. 62 repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\), arts. 1\(3\), 75, Sch. 5; S.R. 2006/428, art. 3\(b\)\(c\)](#)

**Inspection and entry of certain premises**

**63.** <sup>F71</sup> .....

**F71** Art. 63 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 75, Sch. 5; S.R. 2006/428, art. 3(b)(c)

### Tenant sharing accommodation with persons other than landlord

**64.**—(1) Where a tenant has the exclusive occupation of any accommodation (in this Article referred to as “the separate accommodation”) and—

- (a) the terms as between the tenant and his landlord on which he holds the separate accommodation include the use of other accommodation (in this Article referred to as “the shared accommodation”) in common with another person or other persons, not being or including the landlord, and
- (b) by reason only of the circumstances mentioned in sub-paragraph ( a), the separate accommodation would not, apart from this Article, be a dwelling-house let on or subject to a protected or statutory tenancy,

the separate accommodation shall be deemed to be a dwelling-house let on a protected tenancy or, as the case may be, subject to a statutory tenancy and the following provisions of this Article shall have effect.

(2) Where, for the purpose of determining the net annual value of the separate accommodation, it is necessary to make an apportionment under this Order, regard is to be had to the circumstances mentioned in paragraph (1)( a).

(3) Subject to paragraph (4), while the tenant is in possession of the separate accommodation (whether as a protected or statutory tenant), any term or condition of the contract of tenancy terminating or modifying, or providing for the termination or modification of, his right to the use of any of the shared accommodation which is living accommodation shall be of no effect.

(4) Where the terms and conditions of the contract of tenancy are such that at any time during the tenancy the persons in common with whom the tenant is entitled to the use of the shared accommodation could be varied, or their number could be increased, nothing in paragraph (3) shall prevent those terms and conditions from having effect so far as they relate to any such variation or increase.

(5) Subject to paragraph (6) and without prejudice to the enforcement of any order made thereunder, while the tenant is in possession of the separate accommodation, no order shall be made for possession of any of the shared accommodation, whether on the application of the immediate landlord of the tenant or on the application of any person under whom that landlord derives title, unless a like order has been made, or is made at the same time, in respect of the separate accommodation; and Article 13(1) shall apply accordingly.

(6) Subject to paragraph (7), on the application of the landlord, the county court may make such order, either—

- (a) terminating the right of the tenant to use the whole or any part of the shared accommodation other than living accommodation, or
- (b) modifying his right to use the whole or any part of the shared accommodation, whether by varying the persons or increasing the number of persons entitled to the use of that accommodation, or otherwise,

as the court thinks just.

(7) No order shall be made under paragraph (6) so as to effect any termination or modification of the rights of the tenant which, apart from paragraph (3), could not be effected by or under the terms of the contract of tenancy.

(8) In this Article “living accommodation” means accommodation of such a nature that the fact that it constitutes or is included in the shared accommodation is (or, if the tenancy has ended, was)

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sufficient, apart from this Article, to prevent the tenancy from constituting a protected or statutory tenancy of a dwelling-house.

**Certain sub-lettings not to exclude any part of sub-lessor's premises from Order**

**65.**—(1) Where the tenant of any premises consisting of a dwelling-house has sub-let a part, but not the whole, of the premises, then, as against his landlord or any superior landlord, no part of the premises shall be treated as not being a dwelling-house let on or subject to a protected or statutory tenancy by reason only that—

- (a) the terms on which any person claiming under the tenant holds any part of the premises include the use of accommodation in common with other persons; or
- (b) part of the premises is let to any such person at a rent which includes payments in respect of board, attendance or use of furniture.

(2) This Article does not affect the rights against, and liabilities to, each other of the tenant and any person claiming under him, or of any two such persons.

**Overholding**

**66.** A tenant shall not be deemed for the purposes of section 76 of the Landlord and Tenant Law Amendment Act, Ireland, 1860 (payment of double rent for overholding) wilfully to hold over any land comprised in a tenancy by reason only of his remaining in possession thereof under or by virtue of this Order.

**Adjustment for differences in lengths of rental periods**

**67.**—(1) In ascertaining for the purposes of this Order whether there is any difference with respect to rents or rates between one rental period and another (whether of the same tenancy or not) or the amount of any such difference, any necessary adjustment shall be made to take account of periods of different lengths.

- (2) For the purposes of an adjustment referred to in paragraph (1)—
  - (a) one month shall be treated as equivalent to one-twelfth of a year; and
  - (b) one week shall be treated as equivalent to one fifty-second of a year.

**Appropriate district councils**

**68.** <sup>F72</sup> .....

**F72** Art. 68 repealed (1.4.2007) by [Private Tenancies \(Northern Ireland\) Order 2006 \(S.I. 2006/1459 \(N.I. 10\)\)](#), arts. 1(3), 75, [Sch. 5](#); S.R. 2006/428, [art. 3\(b\)\(c\)](#)

**County court jurisdiction**

**69.**—(1) A county court shall have jurisdiction, either in the course of any proceedings relating to a dwelling or on an application made for the purpose by the landlord or the tenant, to determine any question—

- (a) as to whether a tenancy is a protected tenancy or whether any person is a statutory tenant of a dwelling-house;
- (b) <sup>F73</sup> .....
- (c) <sup>F73</sup> .....

(d) <sup>F73</sup> .....

or as to any matter which is or may become material for determining any such question.

(2) A county court shall have jurisdiction to deal with any claim or other proceedings arising out of any of the provisions of this Order (except Part IX) notwithstanding that by any reason of the amount of the claim or otherwise the case would not, apart from this paragraph, be within the jurisdiction of a county court.

(3) If, under this Order, a person takes proceedings in the High Court which he could have taken in the county court he shall not be entitled to receive any costs.

**F73** Art. 69(1)(b)-(d) repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 75, Sch. 5; S.R. 2006/428, art. 3(b)(c)

**Prosecution of offences**

**70.** Offences under this Order are, subject to Article 54(3), punishable summarily.

**Net annual value**

**71.—**(1) The net annual value on any day of a dwelling-house shall be ascertained for the purposes of this Order as follows:—

- (a) if the dwelling-house is a hereditament for which a net annual value is then shown in the valuation list, it shall be that net annual value;
- (b) if the dwelling-house forms part only of such a hereditament or consists of or forms part of more than one such hereditament, its net annual value shall be taken to be such value as is found by a proper apportionment or aggregation of the net annual value or values so shown;
- (c) if Article 12(3) applies in relation to the dwelling-house, its net annual value shall be taken to be the value appointed, under Article 44(2) of the Rates (Northern Ireland) Order 1977 , to so much of the dwelling-house as is used for the purposes of a private dwelling;
- (d) if Article 12(4) applies in relation to the dwelling-house, its net annual value shall be taken to be the net annual value shown in the valuation list for the dwelling-house.

(2) Any question arising under this Article as to the proper apportionment or aggregation of any value or values shall be determined by the Commissioner of Valuation for Northern Ireland.

(3) Any person who is aggrieved by the decision of the Commissioner of Valuation for Northern Ireland under paragraph (2) as to the proper apportionment or aggregation of any value or values may, within twenty-eight days from the date on which he receives notice of the decision, appeal to the Lands Tribunal against the decision.

- (4) Where, after the commencement of this Order—
  - (a) the valuation list is altered so as to vary the net annual value of the hereditament of which the dwelling-house consists or forms part; and
  - (b) the alteration has effect from a date not later than that commencement, the net annual value of the dwelling-house on the commencement of this Order shall be ascertained as if the value shown in the valuation list on that commencement had been the value shown in the list as altered.

(5) Paragraphs (1) to (4) apply in relation to any other land as they apply in relation to a dwelling-house.

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## Information

72. <sup>F74</sup> .....

**F74** Art. 72 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 75, Sch. 5; S.R. 2006/428, art. 3(b)(c)

## Service of notices on landlord's agents

73.—(1) Any document required or authorised by this Order to be served on a landlord of a dwelling-house shall be deemed to be duly served on him if it is served—

- (a) on any agent of the landlord named as such in the rent book; or
- (b) on the person who receives the rent of the dwelling-house.

(2) [<sup>F75</sup>If—]

- [<sup>F75</sup>(a) the tenant under a private tenancy of a dwelling-house, or
- (b) a district council for the purposes of enabling it to perform any of its functions under this Order,]

serves upon any such agent or other person as is referred to in paragraph (1) a notice in writing requiring the agent or other person to disclose to him the full name and place of abode or place of business of the landlord, that agent or other person shall forthwith comply with the notice.

(3) If any such agent or other person as is referred to in paragraph (2) fails or refuses forthwith to comply with a notice served on him under that paragraph, he shall be liable to [<sup>F75</sup>a fine not exceeding £500], unless he shows to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, such of the facts required by the notice to be disclosed as were not disclosed by him.

**F75** 1983 NI 15

## [<sup>F76</sup>Method of serving certain documents

73A.—(1) Any document to be served under [<sup>F77</sup>Article 73(2)] may be served by being sent by ordinary post.

(2) In section 24(1) of the Interpretation Act (Northern Ireland) 1954 (service of documents), as it applies to the service by post of such a document, the word “registering” shall be omitted.]

**F76** 1992 NI 15

**F77** Words in art. 73A(1) substituted (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 74, Sch. 4 para. 5; S.R. 2006/428, art. 3(b)(c)

## Regulations

74.—(1) The Department may make regulations—

- (a) prescribing forms for notices, certificates and other documents required or authorised under this Order;
- (b) requiring such notices, certificates and documents to contain such information as may be specified in the regulations;

- (c) prescribing the procedure on applications to, and to be followed by, rent assessment committees;
  - (d) prescribing anything which is required by this Order to be prescribed;
  - (e) generally for carrying into effect this Order.
- (2) Regulations under paragraph (1) may contain provisions modifying Schedule 6, but any such regulations shall be made subject to affirmative resolution.
- (3) Subject to paragraph (2), regulations under paragraph (1) shall be subject to negative resolution.

### **Application to Crown property**

**75.**—(1) <sup>F78</sup> . . . this Order shall apply in relation to premises in which there subsists, or at any material time subsisted, a Crown estate as it applies in relation to premises in which no such estate subsists or ever subsisted.

- (2) In this Article “Crown estate” means an estate—
- (a) which belongs to the Crown in right of Her Majesty's Government in the United Kingdom or in Northern Ireland; or
  - (b) which is held in trust for Her Majesty for the purposes of a government department.

**F78** Words in art. 75(1) repealed (1.4.2007) by *Private Tenancies (Northern Ireland) Order 2006* (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 74, 75, Sch. 4 para. 6, **Sch. 5**; S.R. 2006/428, **art. 3(b)(c)**

### **Prohibition of agreements excluding Order**

**76.** This Order shall have effect notwithstanding any agreement to the contrary.

### **Amendments, savings and repeals**

- 77.** *Para.(1), with Schedule 8, effects amendments*
- (2) The savings in Schedule 9 shall have effect.
- Para.(3), with Schedule 10, effects repeals*

**Status:** Point in time view as at 01/04/2007.  
**Changes to legislation:** There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

Article 4.

#### STATUTORY TENANTS BY SUCCESSION

1. Paragraph 2<sup>F79</sup> . . . or, as the case may be, paragraph 4 shall have effect, subject to Article 4(3), for the purpose of determining who is the statutory tenant of a dwelling-house by succession after the death of the person (in this Schedule referred to as “the original tenant”) who, immediately before his death, was a protected tenant of the dwelling-house or the statutory tenant of it by virtue of his previous protected tenancy.

**F79** 1986 NI 13

[<sup>F80</sup>2. The surviving spouse[<sup>F81</sup>, or surviving civil partner,] (if any) of the original tenant, if residing in the dwelling-house immediately before the death of the original tenant, shall after the death be the statutory tenant if and so long as he or she occupies the dwelling-house as his or her residence.]

**F80** 1986 NI 13  
**F81** 2004 c.33

*Para. 3 rep. by 1986 NI 13*

- 4. Where—
  - (a) paragraph 2<sup>F82</sup> . . . does not apply, but
  - (b) a person who was a member of the original tenant's family was residing with him at the time of and for the period of six months immediately before his death,

then, after his death, that person or if there is more than one such person such one of them as may be decided by agreement, or in default of agreement by the county court, shall be the statutory tenant if and so long as he occupies the dwelling-house as his residence.

**F82** 1986 NI 13

5. <sup>F83</sup> . . . . .

**F83** Sch. 1 paras. 5-7 and 9-11 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 61(1), 75, **Sch. 5** (with art. 61(2)); S.R. 2006/428, **art. 3(b)(c)**

6. <sup>F84</sup> . . . . .

**F84** Sch. 1 paras. 5-7 and 9-11 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 61(1), 75, **Sch. 5** (with art. 61(2)); S.R. 2006/428, **art. 3(b)(c)**



7. <sup>F85</sup> .....

**F85** Sch. 1 paras. 5-7 and 9-11 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 61(1), 75, **Sch. 5** (with art. 61(2)); S.R. 2006/428, **art. 3(b)(c)**

*Para. 8 rep. by 1986 NI 13*

9. <sup>F86</sup> .....

**F86** Sch. 1 paras. 5-7 and 9-11 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 61(1), 75, **Sch. 5** (with art. 61(2)); S.R. 2006/428, **art. 3(b)(c)**

10. <sup>F87</sup> .....

**F87** Sch. 1 paras. 5-7 and 9-11 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 61(1), 75, **Sch. 5** (with art. 61(2)); S.R. 2006/428, **art. 3(b)(c)**

11. <sup>F88</sup> .....

**F88** Sch. 1 paras. 5-7 and 9-11 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 61(1), 75, **Sch. 5** (with art. 61(2)); S.R. 2006/428, **art. 3(b)(c)**

*Schedule 2 rep. by 1989 NI 4*

*Schedule 3 rep. by 1992 NI 15*

**Status:** Point in time view as at 01/04/2007.  
**Changes to legislation:** There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)

SCHEDULE 4

Article 13.

GROUNDINGS FOR POSSESSION OF DWELLING-HOUSES LET ON  
OR SUBJECT TO PROTECTED OR STATUTORY TENANCIES

PART I

CASES IN WHICH COURT MAY ORDER POSSESSION

*Case 1*

Where any rent lawfully due from the tenant has not been paid, or any obligation of the protected or statutory tenancy which arises under this Order, or—

- (a) in the case of a protected tenancy, any other obligation of the tenancy, in so far as it is consistent with Part III of this Order, or
- (b) in the case of a statutory tenancy, any other obligation of the previous protected tenancy which is applicable to the statutory tenancy,

has been broken or not performed.

[<sup>F89</sup>In paragraphs (a) and (b) above any reference to an obligation of a tenancy does not include an obligation to repair, maintain or carry out works to the dwelling-house comprised in the tenancy, other than an obligation arising by virtue of [<sup>F90</sup>Article 8 of the Private Tenancies (Northern Ireland) Order 2006] .]

**F89** 1992 NI 15

**F90** Words in Sch. 4 Pt. I Case 1 substituted (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 74, Sch. 4 para. 7(2); S.R. 2006/428, art. 3(b)(c)

**F89** 1992 NI 15

**F90** Words in Sch. 4 Pt. I Case 1 substituted (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 74, Sch. 4 para. 7(2); S.R. 2006/428, art. 3(b)(c)

*Case 2*

Where the tenant or any person residing or lodging with him or any sub-tenant of his—

- (a) has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers; or
- (b) has been convicted of using the dwelling-house or allowing the dwelling-house to be used for immoral or illegal purposes.

*Case 3*

Where—

**Status:** Point in time view as at 01/04/2007.

**Changes to legislation:** There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)

- (a) the condition of the dwelling-house has, in the opinion of the court, deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing or lodging with him or any sub-tenant of his, and
- (b) in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the court is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

*Case 4*

Where—

- (a) the condition of any furniture provided for use under the tenancy has, in the opinion of the court, deteriorated owing to ill-treatment by the tenant or any person residing or lodging with him or any sub-tenant of his, and
- (b) in the case of any ill-treatment by a person lodging with the tenant or a sub-tenant of his the court is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

*Case 5*

Where—

- (a) the tenant has given notice to quit, and
- (b) in consequence of that notice, the landlord has contracted to sell or let the dwelling-house or has taken any other steps as the result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession.

*Case 6*

Where, without the consent of the landlord, the tenant has, at any time after the commencement of this Order, assigned or sub-let the whole of the dwelling-house or sub-let part of the dwelling-house, the remainder being already sub-let.

*Case 7*

Where—

- (a) the dwelling-house is reasonably required by the landlord for occupation as a residence for some person engaged in his whole-time employment, or in the whole-time employment of some tenant from him or with whom, conditional on housing being provided, a contract for such employment has been entered into, and
- (b) the tenant was in the employment of the landlord or a former landlord; and
- (c) the dwelling-house was let to the tenant in consequence of that employment and he has ceased to be in that employment.

**Status:** Point in time view as at 01/04/2007.  
**Changes to legislation:** There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)

### Case 8

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for—

- (a) himself, or
- (b) any son or daughter of his over the age of 18, or
- (c) his father or mother, or
- (d) if the dwelling-house is let on or subject to a regulated tenancy, the father or mother of his<sup>[F91]</sup> spouse or civil partner].

and the landlord did not become landlord by purchasing the dwelling-house or any estate therein after the commencement of this Order.

**F91** 2004 c.33

**F91** 2004 c.33

### Case 9

Where the court is satisfied that the rent charged by the tenant for any sub-let part of the dwelling-house which is a dwelling-house let on a protected tenancy or subject to a statutory tenancy is or was in excess of the maximum rent for the time being recoverable for that part, having regard to <sup>[F92]</sup>Chapter III of Part IV of the Private Tenancies (Northern Ireland) Order 2006] .

**F92** Words in Sch. 4 Pt. 1 Case 9 substituted (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 74, Sch. 4 para. 7(3); S.R. 2006/428, art. 3(b)(c)

**F92** Words in Sch. 4 Pt. 1 Case 9 substituted (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 74, Sch. 4 para. 7(3); S.R. 2006/428, art. 3(b)(c)

### Case 10

Where—

- (a) the dwelling-house is the sole or principal dwelling-house on any agricultural land used for agriculture; and
- (b) the court is satisfied that the landlord intends to sell the land.

For the purposes of this Case “agriculture” has the same meaning as in the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 .

## PART II

### CASES IN WHICH COURT MUST ORDER POSSESSION

#### Case 11

(1) [<sup>F93</sup>Where a person (in this Case referred to as “the owner-occupier”) who let the dwelling-house on a protected tenancy had, at any time before the letting, occupied it as his residence], and

- (a) not later than the commencement of that tenancy the landlord gave notice to the tenant that possession might be recovered under this Case; and
- (b) the dwelling-house has not since the commencement of that tenancy been let by the owner-occupier on a protected tenancy with respect to which the condition mentioned in sub-paragraph (a) was not satisfied; and

[<sup>F94</sup>(c) the court is of the opinion that the conditions set out in Part V of this Schedule one of those in sub-paragraphs (a) and (c) to (f) of paragraph (2) is satisfied.]

(2) If the court is of the opinion that, notwithstanding that the condition in paragraph (1)(a) or (b) is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of those sub-paragraphs.

[<sup>F93</sup>(3) Where the dwelling-house has been let by the owner-occupier on a protected tenancy (in this paragraph referred to as “the earlier tenancy”) granted on or after 16th November 1984 but not later than the end of the period of two months beginning with the day of the coming into operation of the Rent (Amendment) (Northern Ireland) Order 1985 and either—

- (a) the earlier tenancy was granted for a term certain (whether or not followed by a further term or to continue thereafter from year to year or some other period) and was during that term a protected shorthold tenancy as defined in Article 92 of the Housing (Northern Ireland) Order 1983, or
- (b) the conditions mentioned in paragraphs (a) to (c) of Case 18 were satisfied in relation to the dwelling-house and the earlier tenancy,

then for the purposes of sub-paragraph (b) of paragraph (1) the condition in sub-paragraph (a) of that paragraph is to be treated as having been satisfied with respect to the earlier tenancy.]

**F93** 1985 NI 10

**F94** 1983 NI 15

**F93** 1985 NI 10

**F94** 1983 NI 15

#### [<sup>F95</sup>Case 12

**F95** 1983 NI 15

Where the owner intends to occupy the dwelling-house as his residence at such time as he might retire from regular employment and has let it on a protected tenancy before he has so retired and—

**Status:** Point in time view as at 01/04/2007.

**Changes to legislation:** There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)

- (a) not later than the commencement of the protected tenancy the owner gave notice in writing to the tenant that possession might be recovered under this Case;
- (b) the dwelling-house has not, since the commencement of the Housing (Northern Ireland) Order 1983, been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (a) was not satisfied; and
- (c) the court is of the opinion that of the conditions set out in Part V one of those in subparagraphs (b) to (e) of paragraph (2) is satisfied.

If the court is of the opinion that, notwithstanding that the conditions in paragraph (a) and (b) are not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of those paragraphs, as the case may require.]

#### Case 13

Where—

- (a) the dwelling-house is held for the purpose of being available for occupation by a minister or a full-time lay missionary of any religious denomination as a residence from which to perform the duties of his office; and
- (b) the court is satisfied that the dwelling-house is required for occupation by such a minister or missionary as such a residence.

#### Case 14

Where the dwelling-house was at any time occupied by a person under the terms of his employment as a person employed in agriculture and—

- (a) the tenant neither is nor at any time was so employed by the landlord and is not the widow of a person who was so employed, and
- (b) not later than 1st April 1979 or the date of the commencement of the protected tenancy in question (whichever is the later), the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed or to be employed by the landlord in agriculture;

and for the purposes of this Case “employed”, “employment” and “agriculture” have the same meanings as in the Agricultural Wages (Regulation) (Northern Ireland Order) 1977 .

#### Case 15

Where proposals for amalgamation, approved for the purposes of a scheme under section 26 of the Agriculture Act 1967 , have been carried out and, at the time when the proposals were submitted, the dwelling-house was occupied by a person responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the land comprised in the amalgamation and—

- (a) after the carrying out of the proposals, the dwelling-house was let on a protected tenancy otherwise than to, or to the widow of, either a person ceasing to be so responsible as part of the amalgamation or a person who is, or at any time was, employed by the landlord in agriculture, and

- (b) not later than the date of the commencement of the protected tenancy in question the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed, or to be employed, by the landlord in agriculture, and
- (d) the proceedings for possession are commenced by the landlord at any time during the period of 5 years beginning with the date on which the proposals for the amalgamation were approved or, if occupation of the dwelling-house after the amalgamation continued in, or was first taken by, a person ceasing to be responsible as mentioned in paragraph (a) or his widow, during a period expiring 3 years after the date on which the dwelling-house next became unoccupied.

For the purposes of this Case “employed” and “agriculture” have the same meanings as in the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 and “amalgamation” has the same meaning as in Part II of the Agriculture Act 1967.

#### Case 16

(1) Where—

- (a) the last occupier of the dwelling-house before the date of the commencement of the protected tenancy in question was a person, or the widow of a person, who was at some time during his occupation responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of land which formed, together with the dwelling-house, an agricultural unit, and
- (b) the tenant is neither—
  - (i) a person, or the widow of a person, who is or has at any time been responsible for the control of the farming of any part of that land, nor
  - (ii) a person, or the widow of a person, who is or at any time was employed by the landlord in agriculture, and
- (c) the creation of the tenancy was not preceded by the carrying out in connection with any of that land of an amalgamation approved for the purposes of a scheme under section 26 of the Agriculture Act 1967, and
- (d) not later than the date of the commencement of the protected tenancy in question the tenant was given notice in writing that possession might be recovered under this Case, and
- (e) the court is satisfied that the dwelling-house is required for occupation either by a person responsible or to be responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of that land or by a person employed or to be employed by the landlord in agriculture, and
- (f) where the date of the commencement of the protected tenancy in question was before the commencement of this Order, the proceedings for possession are commenced by the landlord before the expiry of 5 years from the date on which the occupier referred to in paragraph (a) went out of occupation.

(2) For the purposes of this Case “employed” and “agriculture” have the same meanings as in the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 and “amalgamation” has the same meaning as in Part II of the Agriculture Act 1967.

(3) In this Case “agricultural unit” means land which is occupied as a unit for agricultural purposes, including any dwelling-house or other building occupied by the same person for the purpose of farming the land.

**Status:** Point in time view as at 01/04/2007.

**Changes to legislation:** There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)

### *F<sup>96</sup> Case 17*

**F96** 1983 NI 15

Where the dwelling-house was let under a protected shorthold tenancy (or is treated under Article 95 of the Housing (Northern Ireland) Order 1983 as having been so let) and—

- (a) there either has been no grant of a further tenancy of the dwelling-house since the end of the protected shorthold tenancy or, if there was such a grant, it was to a person who immediately before the grant was in possession of the dwelling-house as a protected or statutory tenant; and
- (b) the proceedings for possession were commenced after appropriate notice by the landlord to the tenant and not later than three months after the expiry of the notice.

A notice is appropriate for this Case if—

- (i) it is in writing and states that proceedings for possession under this Case may be brought after its expiry; and
- (ii) it expires not earlier than three months after it is served and, if at the time of service the tenancy is a periodic tenancy, not earlier than the date by which that periodic tenancy could be brought to an end by a notice to quit served by the landlord on the same day;
- (iii) it is served—
  - (a) in the period of three months immediately preceding the date on which the protected shorthold tenancy comes to an end; or
  - (b) if that date has passed, in the period of three months immediately preceding any anniversary of that date; and
- (iv) in a case where a previous notice has been served by the landlord on the tenant in respect of the dwelling-house, and that notice was an appropriate notice, it is served not earlier than three months after the expiry of the previous notice.]

### *F<sup>97</sup> Case 18*

**F97** 1983 NI 15

Where the dwelling-house was let by a person (in this Case referred to as “the owner”) at any time after the commencement of the Housing (Northern Ireland) Order 1983 and—

- (a) at the time when the owner acquired the dwelling-house he was a member of the regular armed forces of the Crown;
- (b) at the commencement of that tenancy the owner was a member of the regular armed forces of the Crown;
- (c) not later than the commencement of that tenancy the owner gave notice in writing to the tenant that possession might be recovered under this Case;
- (d) the dwelling-house has not, since the commencement of the said Order of 1983, been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (c) was not satisfied; and
- (e) the court is of the opinion that—
  - (i) the dwelling-house is required as a resident for the owner; or



- (ii) of the conditions set out in Part V of this Schedule one of those in paragraphs (c) to (f) is satisfied.

If the court is of the opinion that, notwithstanding that the condition in paragraph (c) or (d) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of these paragraphs, as the case may require.

For the purposes of this Case “regular armed forces of the Crown” has the same meaning as in section 1 of the Northern Ireland Assembly Disqualification Act 1975.]

### PART III

#### PROVISION APPLICABLE TO CASE 8

A court shall not make an order for possession of a dwelling-house by reason only that the circumstances of the case fall within Case 8 in Part I if the court is satisfied that, having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by granting the order than by refusing to grant it.

### PART IV

#### SUITABLE ALTERNATIVE ACCOMMODATION

1. For the purposes of Article 13(1)( a), a certificate of the Executive or of a registered housing association certifying that the Executive or the registered housing association, as the case may be, will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.

2. Where no such certificate as is mentioned in paragraph 1 is produced to the court, accommodation shall be deemed to be suitable for the purposes of Article 13(1)( a) if it consists of either—

- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy, or<sup>F98</sup> (other than one under which the landlord might recover possession of the dwelling-house under one of the Cases in Part II of this Schedule)]
- (b) premises to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by Part III of this Order in the case of a protected tenancy<sup>F98</sup> of a kind mentioned in subparagraph (a)].

and, in the opinion of the court, the accommodation fulfils the relevant conditions as defined in paragraph 3.

**F98** 1983 NI 15

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)*

3.—(1) For the purposes of paragraph 2, the relevant conditions are that the accommodation is reasonably suitable to the needs of the tenant and his family as regards proximity to place of work, and either—

- (a) similar as regards rental and extent to the accommodation afforded by dwelling-house provided in the neighbourhood by the Executive for persons whose needs as regards extent are, in the opinion of the court, similar to those of the tenant and his family; or
- (b) reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character.

(2) For the purposes of sub-paragraph (1)(a), a certificate of the Executive stating—

- (a) the extent of the accommodation afforded by dwelling-houses provided by the Executive to meet the needs of tenants with families of such number as may be specified in the certificate, and
- (b) the amount of the rent charged by the Executive for dwelling-houses affording accommodation of that extent,

shall be conclusive evidence of the facts so stated.

4. Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of the Public Health Acts or the Housing Acts.

5. Any document purporting to be a certificate of the Executive or of a registered housing association named therein issued for the purposes of this Schedule and to be signed by a member of the Executive or by an authorised employee of the Executive or by a member of the committee of the registered housing association, as the case may be, shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.

## [<sup>F99</sup>Part V

### Provisions applying to Cases 11, 12 and 18

**F99** 1983 NI 15

1. In this Part of this Schedule—

“mortgage” includes a charge;

“owner” means, in relation to Case 11, the owner-occupier; and

“successor in title” means any person deriving title from the owner, other than a purchaser for value or a person deriving title from a purchaser for value.

2. The conditions referred to in paragraph (1)(c) of Case 11, in paragraph (c) of Case 12 and in paragraph (e)(ii) of Case 18 are that—

- (a) the dwelling-house is required as a residence for the owner or any member of his family who resided with the owner when he last occupied the dwelling-house as a residence;
- (b) the owner has retired from regular employment and requires the dwelling-house as a residence;

**Status:** Point in time view as at 01/04/2007.

**Changes to legislation:** There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)

- (c) the owner has died and the dwelling-house is required as a residence for a member of his family who was residing with him at the time of his death;
- (d) the owner has died and the dwelling-house is required by a successor in title as his residence or for the purpose of disposing of it with vacant possession;
- (e) the dwelling-house is subject to a mortgage, made by deed and granted before the tenancy, and the mortgagee—
  - (i) is entitled to exercise a power of sale conferred on him by the mortgage or by section 19 of the Conveyancing Act 1881; and
  - (ii) requires the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power; and
- (f) the dwelling-house is not reasonably suitable to the needs of the owner, having regard to his place of work, and he requires it for the purpose of disposing of it with vacant possession and of using the proceeds of that disposal in acquiring, as his residence, a dwelling-house which is more suitable to those needs.]

F100F100 SCHEDULE 5

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**F100** Schs. 5-7 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 75, **Sch. 5**; S.R. 2006/428, **art. 3**

F103F103 SCHEDULE 6

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**F103** Schs. 5-7 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 75, **Sch. 5**; S.R. 2006/428, **art. 3**

F106F106 SCHEDULE 7

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**F106** Schs. 5-7 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 75, **Sch. 5**; S.R. 2006/428, **art. 3**

Schedule 8—Amendments

**Status:** Point in time view as at 01/04/2007.

**Changes to legislation:** There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)

## SCHEDULE 9

Article 77(2).

### SAVINGS

1. The repeal by this Order of the Rent Restriction Acts shall not affect the continued operation of those Acts in relation to any mortgage to which those Acts applied which was created before the commencement of this Order.

2. The repeal by this Order of section 3 of the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland) 1932 or section 19 of the Act of 1940 shall not affect the continued operation of that section in relation to—

- (a) an agreement, made before the commencement of this Order, for the sale of a dwelling-house;
- (b) an agreement, made before the commencement of this Order, giving an option to purchase a dwelling-house;
- (c) an agreement, made before the commencement of this Order, to pay periodical instalments for the purpose of the purchase of a dwelling-house.

3. Where—

- (a) before the commencement of this Order, either—
  - (i) a landlord has obtained an order for possession of a dwelling-house on the ground specified in section 5(1)(e) of the Act of 1920 or section 8(1)(e) of the Act of 1940; or
  - (ii) a tenant has given up possession of a dwelling-house upon a representation by the landlord or his agent that the house was required by the landlord for any of the purposes set out in the said section 5(1)(e) or 8(1)(e);
- (b) after the commencement of this Order, it is made to appear to the court that that order was obtained, or the tenant gave up possession, owing to misrepresentation or concealment of material facts,

the repeal by this Order of section 5(6) and (7) of the Act of 1920 shall not prevent the court from exercising any power to order the payment of compensation by the landlord to the former tenant which it could have exercised if this Order had not been made.

4. In this Schedule—

“the Act of 1920” means the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 ;

“the Act of 1940” means the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland) 1940 .

### *Schedule 10—Repeals*

**Status:**

Point in time view as at 01/04/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978.