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STATUTORY INSTRUMENTS

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**1978 No. 1050**

**Rent (Northern Ireland) Order 1978**

**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>F1</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>F2</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>F3</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.

- F1** 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)**
- F2** 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)**
- F3** 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.

- (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>F4</sup>(d) Article 129 of, and Schedule 15 to, the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985]

**F4** [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](#)

**Changes to legislation:**

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