

STATUTORY INSTRUMENTS

1983 No. 1118

The Housing (Northern Ireland) Order 1983

PART V N.I.

PRIVATE SECTOR TENANTS

Amendments of 1978 Order

Protected tenancies N.I.

96.—(1) For paragraph (2) of Article 3 of the 1978 Order (protected tenancies) there shall be substituted the following paragraphs—

“(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 Article 114 of the Housing (Northern Ireland) Order 1981, which is not registered under Article 124 of that Order.” .

- (2) ^{F1}
- (3) ^{F1}
- (4) ^{F1}

F1 Art. 96(2)-(4) repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 75, Sch. 5; S.R. 2006/428, art. 3

Proceedings for possession of certain dwelling-houses N.I.

97. In Article 14 of the 1978 Order (which gives the court an extended discretion in actions for possession of certain dwelling-houses) for paragraph (3) there shall be substituted the following paragraph—

“(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.” .

Change in condition of dwelling-houses, etc. N.I.

- 98.** ^{F2}

Changes to legislation: There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1983, Cross Heading: Amendments of 1978 Order. (See end of Document for details)

F2 Art. 98 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 75, **Sch. 5**; S.R. 2006/428, **art. 3**

Enforcement of certificates of disrepair **N.I.**

99. ^{F3}

F3 Art. 99 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 75, **Sch. 5**; S.R. 2006/428, **art. 3**

Meaning of “premium” in Part VIII of the 1978 Order **N.I.**

100. In Article 53(1) of the 1978 Order (Interpretation of Part VIII) for the definition of “premium”, there is substituted the following definition—

““premium” includes—

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

Entry to carry out works to certain premises **N.I.**

101. ^{F4}

F4 Art. 101 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**

Ascertainment of landlord's identity by district council **N.I.**

102. In paragraph (2) of Article 73 of the 1978 Order (which deals with the service of notices, etc.), for the words from the beginning to “dwelling-house” there shall be substituted—

“If—

- (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,” .

Amendment of Cases 11 and 12 of Schedule 4 to the 1978 Order **N.I.**

103.—(1) In Case 11 in Schedule 4 to the 1978 Order (dwelling-house required by a person who was owner-occupier at time of letting) for sub-paragraph (c) of paragraph (1) there shall be substituted the following sub-paragraph—

“(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) For Case 12 in Schedule 4 to the 1978 Order (dwelling-house required for use by owner on his retirement) there shall be substituted the following Case—

“Case 12

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—

- (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.”

(3) Subject to paragraph (4) and (5), Cases 11 and 12, as amended by this Article, apply to tenancies granted before, as well as those granted after, the coming into operation of this Order; and nothing in this Article invalidates a notice that possession might be recovered under Case 11 which was duly given to a tenant before then.

(4) Paragraphs (a) and (b) of Case 12, as substituted by this Article, do not apply to tenancies granted before the coming into operation of this Order.

(5) Paragraph (2)(c) and (d) of Part V of Schedule 4 to the 1978 Order (as set out in Part I of Schedule 9) do not apply to Case 11 if the tenancy was granted and the owner dies, before the coming into operation of this Order; and paragraph (2) (d) does not apply to Case 12 in any such case.

Lettings by servicemen **N.I.**

104. The following Case shall be added to the Cases in Part II of Schedule 4 to the 1978 Order (mandatory orders for possession) after the Case inserted in Part II by Article 95—

“Case 18

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.

Changes to legislation: *There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1983, Cross Heading: Amendments of 1978 Order. (See end of Document for details)*

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.” .

Article 105—Amendments

Changes to legislation:

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1983, Cross Heading: Amendments of 1978 Order.