

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3A

#### GROUND FOR WITHHOLDING CONSENT TO ASSIGNMENT BY WAY OF EXCHANGE

**F1** 1986 NI 13

#### Ground 1

The tenant or the proposed assignee is obliged to give up possession of the dwelling#house of which he is the secure tenant in pursuance of an order of the court, or will be so obliged at a date specified in such an order.

#### Ground 2

Proceedings have been begun for possession of the dwelling#house of which the tenant or the proposed assignee is the secure tenant on one or more of grounds 1 to 5A as set out in Part I of Schedule 3 or there has been served on the tenant or the proposed assignee a notice under Article 28 which specifies one or more of those grounds and that notice is still in force.

#### [<sup>F2</sup>Ground 2A

**F2** Sch. 3A: Grounds 2A, 2B inserted (1.9.2011) by [Housing \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 22\)](#), **ss. 12(1), 25(1)** (with s. 12(2)); S.R. 2011/241, **art. 2(2)**, Sch. 2

Either—

- (a) a relevant order or suspended Ground 2 possession order is in force, or
- (b) an application is pending before any court for a relevant order or a Ground 2 possession order to be made,

in respect of the tenant or the proposed assignee or a person who is residing with either of them.

A “relevant order” means—

- (a) an injunction under Chapter 4 of Part 2 of the Housing (Northern Ireland) Order 2003 (injunctions against anti-social behaviour);
- (b) an injunction against breach of a tenancy agreement granted or sought on the grounds that the tenant—
  - (i) is engaging in, or threatening to engage in, conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality;
  - (ii) is using or threatening to use the premises for immoral or illegal purposes; or

**Changes to legislation:** There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1983, SCHEDULE 3A. (See end of Document for details)

- (iii) is allowing, inciting or encouraging any other person to engage or threaten to engage in such conduct or use or threaten to use the premises for such purposes;
  - (c) an anti-social behaviour order under Article 3 or 6 of the Antisocial Behaviour (Northern Ireland) Order 2004;
  - (d) an interim anti-social behaviour order under Article 4 or 6A of that Order.
- A “Ground 2 possession order” means an order for possession under Ground 2 in Schedule 3.

Where the tenancy of the tenant or the proposed assignee is a joint tenancy, any reference to that person includes (where the context permits) a reference to any of the joint tenants.

#### *Ground 2B*

The tenant or the proposed assignee or a person who is residing with either of them has been convicted of—

- (a) an offence involving using the dwelling house of which the tenant or the proposed assignee is the secure tenant, or allowing it to be used, for immoral or illegal purposes, or
- (b) an indictable offence.]

#### *Ground 3*

The accommodation afforded by the dwelling#house is substantially more extensive than is reasonably required by the proposed assignee.

#### *Ground 4*

The extent of the accommodation afforded by the dwelling#house is not reasonably suitable to the needs of the proposed assignee and his family.

#### *Ground 5*

The dwelling#house has features which are substantially different from those of ordinary dwelling#houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling#house and, if the assignment were made, there would no longer be such a person residing in the dwelling#house.

#### *Ground 6*

The landlord is a registered housing association which lets dwelling#houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing and, if the assignment were made, there would no longer be such a person residing in the dwelling#house.

#### *Ground 7*

The dwelling#house is one of a group of dwelling#houses which it is the practice of the landlord to let for occupation by persons with special needs and a social service or special facility is provided

in close proximity to the group of dwelling#houses in order to assist persons with those special needs and, if the assignment were made, there would no longer be a person with those special needs residing in the dwelling#house.]

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