STATUTORY INSTRUMENTS

1983 No. 1118

The Housing (Northern Ireland) Order 1983

PART II

SECURE TENANTS

CHAPTER III

JURISDICTION

Jurisdiction of county court

46.—(1) [F1]. . . , a county court has jurisdiction to determine any question arising under Chapter[F1]. . . II of this Part and to entertain any proceedings brought thereunder and any claim (for whatever amount) in connection with a secure tenancy.

(2) The jurisdiction conferred by this Article includes jurisdiction to entertain proceedings on[F1]. . . any queston—

(a) whether any consent required by Article 30 or Article 34 was withheld or unreasonably withheld; or

[[F2](aa) whether any consent required by Article 32A was withheld otherwise than on one or more of the grounds set out in Schedule 3A;**]**

(b) whether a statement supplied in pursuance of Article 38(3)(b) is accurate;

notwithstanding that no other relief is sought than a declaration.

(3) If a person take proceedings in the High Court which, by virtue of this Article, he could have taken in the county court he is not entitled to recover any costs.

F1 Chapter 1 (arts. 3, 4) substituted for Chapter 1 (arts. 3-23) by 1992/1725 (NI 15), art. 96(1)(2).
F2 1986 NI 13

Extended discretion of court in certain proceedings for possession

47.—(1) Where proceedings are brought for possession of a dwelling-house let under a secure tenancy on any of grounds 1 to 6 or 8 to 11 in Part I of Schedule 3, the court may adjourn the proceedings for such period or periods as it thinks fit.

(2) On the making of an order for possession of such a dwelling-house on any of those grounds, or at any time before the execution of the order, the court may—

(a) stay or suspend execution of the order, or

(b) postpone the date of the possession,

for such period or periods as the court thinks fit.

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

[[F3](5) Paragraph (6) applies in any case where—

(a) proceedings are brought for possession of a dwelling house which is let under a secure tenancy;

(b) the**[**[F4] tenant's spouse or former spouse, or civil partner or former civil partner, having home rights**][**[F5] 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.

(6) In any case to which this paragraph applies, the spouse or former spouse**[**[F4], 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**[**[F4] those home rights**]** were not affected by the termination of the tenancy.**]**

[[F5](7) Paragraph (8) applies in any case where—

(a) proceedings are brought for possession of a dwelling-house which is let under a secure 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**[**[F4] 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**[**[F4] 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.

(8) In any case to which this paragraph applies, the former spouse,**[**[F4] 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 adjournment as is referred to in paragraph (2), as he or she would have if the rights conferred by the order referred to in paragraph (7)(b) were not affected by the termination of the tenancy.**]**

F3 1984 NI 14
F4 2004 c.33
F5 1998 NI 6

Changes to legislation:
There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1983, CHAPTER III.