
STATUTORY INSTRUMENTS

1978 No. 1050

Rent (Northern Ireland) Order 1978

PART II

[^{F1} PROTECTED AND STATUTORY TENANCIES]

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 ^{F1} . . . 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.

Changes to legislation: There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978, Section 4. (See end of Document for details)

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

F1 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)**

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