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STATUTORY INSTRUMENTS

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**1978 No. 1050**

**Rent (Northern Ireland) Order 1978**

**PART XI**

**MISCELLANEOUS AND GENERAL**

**Tenant sharing accommodation with persons other than landlord**

**64.**—(1) Where a tenant has the exclusive occupation of any accommodation (in this Article referred to as “the separate accommodation”) and—

- (a) the terms as between the tenant and his landlord on which he holds the separate accommodation include the use of other accommodation (in this Article referred to as “the shared accommodation”) in common with another person or other persons, not being or including the landlord, and
- (b) by reason only of the circumstances mentioned in sub-paragraph ( a), the separate accommodation would not, apart from this Article, be a dwelling-house let on or subject to a protected or statutory tenancy,

the separate accommodation shall be deemed to be a dwelling-house let on a protected tenancy or, as the case may be, subject to a statutory tenancy and the following provisions of this Article shall have effect.

(2) Where, for the purpose of determining the net annual value of the separate accommodation, it is necessary to make an apportionment under this Order, regard is to be had to the circumstances mentioned in paragraph (1)( a).

(3) Subject to paragraph (4), while the tenant is in possession of the separate accommodation (whether as a protected or statutory tenant), any term or condition of the contract of tenancy terminating or modifying, or providing for the termination or modification of, his right to the use of any of the shared accommodation which is living accommodation shall be of no effect.

(4) Where the terms and conditions of the contract of tenancy are such that at any time during the tenancy the persons in common with whom the tenant is entitled to the use of the shared accommodation could be varied, or their number could be increased, nothing in paragraph (3) shall prevent those terms and conditions from having effect so far as they relate to any such variation or increase.

(5) Subject to paragraph (6) and without prejudice to the enforcement of any order made thereunder, while the tenant is in possession of the separate accommodation, no order shall be made for possession of any of the shared accommodation, whether on the application of the immediate landlord of the tenant or on the application of any person under whom that landlord derives title, unless a like order has been made, or is made at the same time, in respect of the separate accommodation; and Article 13(1) shall apply accordingly.

(6) Subject to paragraph (7), on the application of the landlord, the county court may make such order, either—

- (a) terminating the right of the tenant to use the whole or any part of the shared accommodation other than living accommodation, or

- (b) modifying his right to use the whole or any part of the shared accommodation, whether by varying the persons or increasing the number of persons entitled to the use of that accommodation, or otherwise,

as the court thinks just.

(7) No order shall be made under paragraph (6) so as to effect any termination or modification of the rights of the tenant which, apart from paragraph (3), could not be effected by or under the terms of the contract of tenancy.

(8) In this Article “living accommodation” means accommodation of such a nature that the fact that it constitutes or is included in the shared accommodation is (or, if the tenancy has ended, was) sufficient, apart from this Article, to prevent the tenancy from constituting a protected or statutory tenancy of a dwelling-house.

**Changes to legislation:**

There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978, Section 64.