
STATUTORY INSTRUMENTS

1978 No. 1050

Rent (Northern Ireland) Order 1978

PART III

SECURITY OF TENURE

*Limitations on recovery of possession of dwelling-houses
let on protected tenancies or subject to statutory tenancies*

Grounds for possession of certain dwelling-houses

13.—(1) Subject to the following provisions of this Part, a court shall not make an order for possession of a dwelling-house which is for the time being let on a protected tenancy or subject to a statutory tenancy unless the court considers it reasonable to make such an order and either—

- (a) the court is satisfied that suitable alternative accommodation is available for the tenant or will be available for him when the order in question takes effect, or
- (b) the circumstances are as specified in any of the Cases in Part I of Schedule 4.

(2) If, apart from paragraph (1), the landlord would be entitled to recover possession of a dwelling-house which is for the time being let on a protected tenancy or subject to a statutory tenancy, the court shall make an order for possession if the circumstances of the case are as specified in any of the Cases in Part II of Schedule 4.

(3) Part III of Schedule 4 shall have effect in relation to Case 8 in that Schedule.

(4) Part IV of Schedule 4 shall have effect for determining whether, for the purposes of paragraph (1)(a), suitable alternative accommodation is or will be available for a tenant.

[^{F1}(5) Part V of Schedule 4 shall have effect for the purpose of setting out the conditions which are relevant to Cases 11, 12 and 18 of that Schedule.]

F1 1983 NI 15

Extended discretion of court in claims for possession of certain dwelling-houses

14.—(1) Subject to paragraph (5), a court may adjourn, for such period or periods as it thinks fit, proceedings for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy.

(2) On the making of an order for possession of such a dwelling-house or at any time before the enforcement of such an order (whether made before or after the commencement of this Order), the court, subject to paragraph (5), on the application of the tenant or of the tenant's spouse^{F2} or civil partner] if that spouse^{F2} or civil partner] is occupying the dwelling-house as his or her residence, may—

- (a) stay or suspend enforcement of the order, or

(b) postpone the date of possession,
for such period or periods as the court thinks fit.

[^{F3}(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 any such conditions as are referred to in paragraph (3) are complied with, the court may, if it thinks fit, discharge or rescind any such order as is referred to in paragraph (2).

[^{F4}(4A) Paragraph (4B) applies in any case where—

- (a) proceedings are brought for possession of a dwelling house which is let on a protected tenancy or subject to a statutory tenancy;
- (b) the[^{F2} 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.

(4B) In any case to which this paragraph applies, the spouse or former spouse[^{F2}, 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[^{F2} those home rights] were not affected by the termination of the tenancy.]

[^{F5}(4C) Paragraph (4D) applies in any case where—

- (a) proceedings are brought for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory 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[^{F2} 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,[^{F2} 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.

(4D) In any case to which this paragraph applies, the former spouse,[^{F2} 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 postponement as is referred to in paragraph (2), as he or she would have if the rights conferred by the order referred to in paragraph (4C)(b) were not affected by the termination of the tenancy.]

(5) [^{F4}Paragraphs (1) to[^{F5} (4D)]] shall not apply if the circumstances are as specified in any of the Cases in Part II of Schedule 4.

F2	2004 c.33
F3	1983 NI 15
F4	1984 NI 14
F5	1998 NI 6

Changes to legislation:

There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978,
Cross Heading: Limitations on recovery of possession of dwelling-houses let on protected
tenancies or subject to statutory tenancies.