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STATUTORY INSTRUMENTS

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**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.

[<sup>F1</sup>(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.]

**Annotations:**

**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<sup>F2</sup> or civil partner] if that spouse<sup>F2</sup> 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.

[<sup>F3</sup>(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).

[<sup>F4</sup>(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 [<sup>F2</sup> tenant's spouse or former spouse, or civil partner or former civil partner, having home rights][<sup>F5</sup> 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 [<sup>F2</sup>, 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 [<sup>F2</sup> those home rights] were not affected by the termination of the tenancy.]

[<sup>F5</sup>(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 [<sup>F2</sup> 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, [<sup>F2</sup> 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, [<sup>F2</sup> 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) [<sup>F4</sup>Paragraphs (1) to [<sup>F5</sup> (4D)]] shall not apply if the circumstances are as specified in any of the Cases in Part II of Schedule 4.

**Annotations:**

- F2** 2004 c.33
- F3** 1983 NI 15
- F4** 1984 NI 14

**F5** 1998 NI 6

*Protected and statutory tenancies*

**Terms and conditions of statutory tenancies**

**15.**—(1) So long as he retains possession, a statutory tenant shall observe and be entitled to the benefit of all the terms and conditions of the original contract of tenancy, so far as they are consistent with this Order.

(2) A statutory tenant of a dwelling-house shall be entitled to give up possession of the dwelling-house only—

- (a) if he gives such notice as would have been required under the original contract of tenancy, or
- (b) if no notice would have been so required, on giving not less than four weeks' notice.

(3) Notwithstanding anything in the contract of tenancy, a landlord who obtains an order for possession of a dwelling-house as against a statutory tenant shall not be required to give the statutory tenant any notice to quit.

**Payments demanded by protected or statutory tenants as a condition of giving up possession**

**16.**—(1) A protected or statutory tenant of a dwelling-house who, as a condition of giving up possession of the dwelling-house, asks for or receives the payment of any sum, or the giving up of any other consideration, by any person other than the landlord, shall be guilty of an offence and liable to<sup>F6</sup> a fine not exceeding £500].

(2) Where a protected or statutory tenant of a dwelling-house requires that furniture or other articles shall be purchased as a condition of his giving up possession of the dwelling-house—

- (a) the price demanded shall, at the request of the person on whom the demand is made, be stated in writing, and
- (b) if the price exceeds the reasonable price of the articles, the excess shall be treated, for the purposes of paragraph (1), as a sum asked to be paid as a condition of giving up possession.

(3) The court by which a person is convicted of an offence under this Article may order the payment—

- (a) to the person who made any such payment, or gave any such consideration, as is referred to in paragraph (1), of the amount of that payment or the value of that consideration, or
- (b) to the person who paid any such price as is referred to in paragraph (2)( a), of the amount by which the price paid exceeds the reasonable price.

**Annotations:**

**F6** 1983 NI 15

*Changes of statutory tenants*

**Change of statutory tenant by agreement**

**17.** <sup>F7</sup> .....

**Annotations:**

**F7** Art. 17 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 59(3), 75, **Sch. 5** (with art. 59(4)); S.R. 2006/428, **art. 3(b)(c)**

**No pecuniary consideration to be required on change of tenant under Article 17**

**18.** <sup>F8</sup> .....

**Annotations:**

**F8** Art. 18 repealed (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 59(3), 75, **Sch. 5** (with art. 59(4)); S.R. 2006/428, **art. 3(b)(c)**

*Miscellaneous*

**Determination of sub-tenancies**

[<sup>F9</sup>19. Where—

- (a) the whole or part of a dwelling-house—
  - (i) let on a protected tenancy, or
  - (ii) subject to a statutory tenancy,is sub-let; and
- (b) after the commencement of Article 59 of the Private Tenancies (Northern Ireland) Order 2006 the landlord becomes entitled, as against the tenant, to possession of the dwelling-house;

the landlord shall also be entitled to possession against the sub-tenant.]

**Annotations:**

**F9** Art. 19 substituted (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), **59(5)**; S.R. 2006/428, **art. 3(b)**

**Compensation for misrepresentation or concealment**

**20.** Where in such circumstances as are specified in any Case in Schedule 4—

- (a) a landlord obtains an order for possession of a dwelling-house let on a protected tenancy or subject to a statutory tenancy; and
- (b) it is subsequently made to appear to the court that the order was obtained by misrepresentation or concealment of material facts,

the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as a result of the order.

**Changes to legislation:**

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