

SCHEDULES

SCHEDULE 4

GROUNDINGS FOR POSSESSION OF DWELLING-HOUSES LET ON OR SUBJECT TO PROTECTED OR STATUTORY TENANCIES

PART II

CASES IN WHICH COURT MUST ORDER POSSESSION

Case 16

(1) Where—

- (a) the last occupier of the dwelling-house before the date of the commencement of the protected tenancy in question was a person, or the [F¹surviving spouse or civil partner] of a person, who was at some time during his occupation responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of land which formed, together with the dwelling-house, an agricultural unit, and
- (b) the tenant is neither—
 - (i) a person, or the [F¹surviving spouse or civil partner] of a person, who is or has at any time been responsible for the control of the farming of any part of that land, nor
 - (ii) a person, or the [F¹surviving spouse or civil partner] of a person, who is or at any time was employed by the landlord in agriculture, and
- (c) the creation of the tenancy was not preceded by the carrying out in connection with any of that land of an amalgamation approved for the purposes of a scheme under section 26 of the Agriculture Act 1967, and
- (d) not later than the date of the commencement of the protected tenancy in question the tenant was given notice in writing that possession might be recovered under this Case, and
- (e) the court is satisfied that the dwelling-house is required for occupation either by a person responsible or to be responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of that land or by a person employed or to be employed by the landlord in agriculture, and
- (f) where the date of the commencement of the protected tenancy in question was before the commencement of this Order, the proceedings for possession are commenced by the landlord before the expiry of 5 years from the date on which the occupier referred to in paragraph (a) went out of occupation.

(2) For the purposes of this Case “employed” and “agriculture” have the same meanings as in the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 and “amalgamation” has the same meaning as in Part II of the Agriculture Act 1967.

Changes to legislation: There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978, Cross Heading: Case 16. (See end of Document for details)

(3) In this Case “agricultural unit” means land which is occupied as a unit for agricultural purposes, including any dwelling-house or other building occupied by the same person for the purpose of farming the land.

F1 Words in Sch. 4 Case 16 substituted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **136(c)** (with regs. 6-9)

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