

SCHEDULES

SCHEDULE 4

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

PART II

CASES IN WHICH COURT MUST ORDER POSSESSION

Case 11

(1) [^{F1}Where a person (in this Case referred to as “the owner-occupier”) who let the dwelling-house on a protected tenancy had, at any time before the letting, occupied it as his residence], and

- (a) not later than the commencement of that tenancy the landlord gave notice to the tenant that possession might be recovered under this Case; and
- (b) the dwelling-house has not since the commencement of that tenancy been let by the owner-occupier on a protected tenancy with respect to which the condition mentioned in sub-paragraph (a) was not satisfied; and

[^{F2}(c) the court is of the opinion that the conditions set out in Part V of this Schedule one of those in sub-paragraphs (a) and (c) to (f) of paragraph (2) is satisfied.]

(2) If the court is of the opinion that, notwithstanding that the condition in paragraph (1)(a) or (b) is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of those sub-paragraphs.

[^{F1}(3) Where the dwelling-house has been let by the owner-occupier on a protected tenancy (in this paragraph referred to as “the earlier tenancy”) granted on or after 16th November 1984 but not later than the end of the period of two months beginning with the day of the coming into operation of the Rent (Amendment) (Northern Ireland) Order 1985 and either—

- (a) the earlier tenancy was granted for a term certain (whether or not followed by a further term or to continue thereafter from year to year or some other period) and was during that term a protected shorthold tenancy as defined in Article 92 of the Housing (Northern Ireland) Order 1983, or
- (b) the conditions mentioned in paragraphs (a) to (c) of Case 18 were satisfied in relation to the dwelling-house and the earlier tenancy,

then for the purposes of sub-paragraph (b) of paragraph (1) the condition in sub-paragraph (a) of that paragraph is to be treated as having been satisfied with respect to the earlier tenancy.]

F1 1985 NI 10

F2 1983 NI 15

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

F1 1985 NI 10
F2 1983 NI 15

[^{F3}Case 12

F3 1983 NI 15

Where the owner intends to occupy the dwelling-house as his residence at such time as he might retire from regular employment and has let it on a protected tenancy before he has so retired and—

- (a) not later than the commencement of the protected tenancy the owner gave notice in writing to the tenant that possession might be recovered under this Case;
- (b) the dwelling-house has not, since the commencement of the Housing (Northern Ireland) Order 1983, been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (a) was not satisfied; and
- (c) the court is of the opinion that of the conditions set out in Part V one of those in subparagraphs (b) to (e) of paragraph (2) is satisfied.

If the court is of the opinion that, notwithstanding that the conditions in paragraph (a) and (b) are not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of those paragraphs, as the case may require.]

Case 13

Where—

- (a) the dwelling-house is held for the purpose of being available for occupation by a minister or a full-time lay missionary of any religious denomination as a residence from which to perform the duties of his office; and
- (b) the court is satisfied that the dwelling-house is required for occupation by such a minister or missionary as such a residence.

Case 14

Where the dwelling-house was at any time occupied by a person under the terms of his employment as a person employed in agriculture and—

- (a) the tenant neither is nor at any time was so employed by the landlord and is not the [^{F4}surviving spouse or civil partner] of a person who was so employed, and
- (b) not later than 1st April 1979 or the date of the commencement of the protected tenancy in question (whichever is the later), the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed or to be employed by the landlord in agriculture;

and for the purposes of this Case “employed”, “employment” and “agriculture” have the same meanings as in the Agricultural Wages (Regulation) (Northern Ireland Order) 1977 .

F4 Words in Sch. 4 Case 14 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(a)** (with regs. 6-9)

F4 Words in Sch. 4 Case 14 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(a)** (with regs. 6-9)

Case 15

Where proposals for amalgamation, approved for the purposes of a scheme under section 26 of the Agriculture Act 1967, have been carried out and, at the time when the proposals were submitted, the dwelling-house was occupied by a person responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the land comprised in the amalgamation and—

- (a) after the carrying out of the proposals, the dwelling-house was let on a protected tenancy otherwise than to, or to the [^{F5}surviving spouse or civil partner] of, either a person ceasing to be so responsible as part of the amalgamation or a person who is, or at any time was, employed by the landlord in agriculture, and
- (b) 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
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed, or to be employed, by the landlord in agriculture, and
- (d) the proceedings for possession are commenced by the landlord at any time during the period of 5 years beginning with the date on which the proposals for the amalgamation were approved or, if occupation of the dwelling-house after the amalgamation continued in, or was first taken by, a person ceasing to be responsible as mentioned in paragraph (a) or his [^{F5}surviving spouse or civil partner], during a period expiring 3 years after the date on which the dwelling-house next became unoccupied.

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.

F5 Words in Sch. 4 Case 15 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(b)** (with regs. 6-9)

F5 Words in Sch. 4 Case 15 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(b)** (with regs. 6-9)

Case 16

(1) Where—

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

- (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 [F6surviving 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 [F6surviving 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 [F6surviving 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.

(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.

F6 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)

F6 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)

[F7Case 17

F7 1983 NI 15

Where the dwelling-house was let under a protected shorthold tenancy (or is treated under Article 95 of the Housing (Northern Ireland) Order 1983 as having been so let) and—

- (a) there either has been no grant of a further tenancy of the dwelling-house since the end of the protected shorthold tenancy or, if there was such a grant, it was to a person who immediately before the grant was in possession of the dwelling-house as a protected or statutory tenant; and
- (b) the proceedings for possession were commenced after appropriate notice by the landlord to the tenant and not later than three months after the expiry of the notice.

A notice is appropriate for this Case if—

- (i) it is in writing and states that proceedings for possession under this Case may be brought after its expiry; and
- (ii) it expires not earlier than three months after it is served and, if at the time of service the tenancy is a periodic tenancy, not earlier than the date by which that periodic tenancy could be brought to an end by a notice to quit served by the landlord on the same day;
- (iii) it is served—
 - (a) in the period of three months immediately preceding the date on which the protected shorthold tenancy comes to an end; or
 - (b) if that date has passed, in the period of three months immediately preceding any anniversary of that date; and
- (iv) in a case where a previous notice has been served by the landlord on the tenant in respect of the dwelling-house, and that notice was an appropriate notice, it is served not earlier than three months after the expiry of the previous notice.]

F⁸Case 18

F8 1983 NI 15

Where the dwelling-house was let by a person (in this Case referred to as “the owner”) at any time after the commencement of the Housing (Northern Ireland) Order 1983 and—

- (a) at the time when the owner acquired the dwelling-house he was a member of the regular armed forces of the Crown;
- (b) at the commencement of that tenancy the owner was a member of the regular armed forces of the Crown;
- (c) not later than the commencement of that tenancy the owner gave notice in writing to the tenant that possession might be recovered under this Case;
- (d) the dwelling-house has not, since the commencement of the said Order of 1983, been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (c) was not satisfied; and
- (e) the court is of the opinion that—
 - (i) the dwelling-house is required as a resident for the owner; or
 - (ii) of the conditions set out in Part V of this Schedule one of those in paragraphs (c) to (f) is satisfied.

If the court is of the opinion that, notwithstanding that the condition in paragraph (c) or (d) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of these paragraphs, as the case may require.

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

For the purposes of this Case “regular armed forces of the Crown” has the same meaning as in section 1 of the Northern Ireland Assembly Disqualification Act 1975.]

Changes to legislation:

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