
STATUTORY INSTRUMENTS

1981 No. 156

Housing (Northern Ireland) Order 1981

PART II

THE NORTHERN IRELAND HOUSING EXECUTIVE

CHAPTER I

THE NORTHERN IRELAND HOUSING EXECUTIVE AND COUNCIL

The Northern Ireland Housing Executive

3.—(1) The public authority and body corporate known as the Northern Ireland Housing Executive shall continue in being as such and section 19 of the Interpretation Act (Northern Ireland) 1954 shall continue to apply to it.

(2) The Executive shall exercise such functions as are conferred on it by this Order.

(3) Schedule 1 shall have effect with respect to the members and proceedings of the Executive and the other matters there dealt with.

The Northern Ireland Housing Council

4.—(1) The Northern Ireland Housing Council shall continue in being as such and shall consider any matter affecting housing—

(a) which is referred to the Council by the Department or the Executive; or

(b) which appears to the Council to be a matter to which consideration ought to be given.

(2) Where it appears to the Council to be desirable to do so, the Council may make recommendations to the Department or the Executive with respect to any matter which it has considered, and the Department or the Executive shall consider any such recommendations.

(3) If it appears to the Council that the Executive—

(a) has unreasonably rejected any recommendation made to it by the Council; or

(b) has failed to consider any such recommendation within a reasonable time;

the Council may, after consulting the Executive, make representations to the Department as to the action which, in the opinion of the Council, ought to be taken as regards the matter dealt with in the recommendation.

(4) Where the Department receives representations under paragraph (3), it may, after consulting the Executive, give to it such directions as the Department considers fit with respect to the matters dealt with in the representations.

(5) The Executive shall—

(a) provide—

(i) such officers and servants and such accommodation, and

(ii) such facilities and financial or other assistance,

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as are required for the proper discharge of the Council's functions; and

- (b) make available to the Council such information in the possession of the Executive as the Council may reasonably require.

(6) If the Council and the Executive disagree as to the officers and servants or the accommodation, facilities or financial or other assistance to be provided, or information to be made available under paragraph (5), paragraphs (3) and (4) shall apply as if the matter were one on which the Executive had unreasonably rejected a recommendation of the Council.

(7) Schedule 2 shall have effect with respect to the members and proceedings of the Council and the other matters there dealt with.

Staff of the Executive

5.—(1) Paragraph (2) shall have effect with respect to the powers of the Executive under section 19 of the Interpretation Act (Northern Ireland) 1954 to employ staff.

(2) The numbers, terms and conditions of employment, remuneration, appointment, removal from office, suspension or re-instatement and qualifications of such of the staff employed by the Executive as the Department may direct, shall be subject to the approval of the Department.

(3) The Executive shall be deemed to be a local authority for the purposes of the Superannuation (Northern Ireland) Order 1972 .

(4) The Executive may, with the consent of the Department, make such provision as it considers desirable for the payment of pensions and other superannuation benefits to or in respect of such of its employees as it may designate for the purposes of this paragraph, and paragraph (3) shall not apply to a person so designated.

(5) The functions of the Local Government Staff Commission for Northern Ireland shall continue to extend to officers of the Executive and for that purpose Part III of, and Schedule 3 to, the Local Government Act (Northern Ireland) 1972 shall continue to have effect in accordance with the amendments set out in Schedule 3.

CHAPTER II

GENERAL FUNCTIONS OF THE EXECUTIVE

General functions of the Executive

6.—(1) The Executive shall—

- (a) regularly examine housing conditions and need;
- (b) submit to the Department for approval its programme for such years and in such form as the Department may determine for meeting housing need;
- (c) consider any proposals of a district council with respect to the exercise of any of the functions of the Executive in the district of the council.

(2) The Department may approve any programme submitted to it under paragraph (1) with or without modifications.

(3) For the purposes of paragraph (1), the Executive may carry out such inspections and surveys as it considers necessary.

(4) The Executive shall establish such housing information and advisory services as it considers desirable.

(5) The Executive may, with the consent of the Department, conduct or promote research into any matter relating to any of its functions.

(Paras)

Consultation by the Executive

7.—(1) The Executive—

- (a) shall not less than once in each year consult the Council with respect to any draft programme of the Executive for meeting housing need; and
- (b) shall so consult each district council with respect to any draft programme of the Executive for meeting housing need in the council's district.

(2) The Executive shall, when required to do so by the Department, consult district councils with respect to such matters as the Department may determine.

(Para)

Delegation of functions by the Executive

8.—(1) The Department may by order, subject to affirmative resolution, make such provision as it considers fit with respect to the delegation to a district council of any function of the Executive specified in the order.

(2) Where any function is delegated by an order made under paragraph (1), the council shall, in the exercise of that function, act as agent for the Executive and in accordance with such conditions as may be specified in the order.

[^{F1}Housing management scheme

8A.—(1) The Executive may submit to the Department a scheme making provision for the Executive to delegate to other persons such of the Executive's management functions as may be specified in the scheme.

(2) A scheme submitted under paragraph (1) may contain such provision as the Executive considers appropriate.

(3) Without prejudice to the generality of paragraph (2), a scheme submitted under paragraph (1) shall, in particular—

- (a) specify—
 - (i) the category and range of management functions to be delegated by the Executive,
 - (ii) the form of management agreements by means of which management functions are to be delegated, and
 - (iii) the procedure for consulting tenants of houses to which a management agreement would apply; and
- (b) provide—
 - (i) that a management agreement is not to be implemented unless it is approved by a majority of the tenants consulted in relation to it in pursuance of sub-paragraph (a) (iii);
 - (ii) that the Department's approval (which may be given either unconditionally or subject to conditions) is required both for the terms of a management agreement and the identity of a manager.

(4) The Department may approve a scheme submitted under paragraph (1) with or without modifications.

(5) The Executive shall comply with a scheme approved by the Department under paragraph (4).

(6) The Executive may at any time, and if so directed by the Department shall, submit proposals for amending a scheme approved under paragraph (4) or a scheme replacing any such scheme; and

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paragraphs (2) to (4) shall have effect in relation to those proposals or a scheme replacing an existing scheme as they have effect in relation to a scheme.

(7) In this Article “management agreement” and “manager”, in relation to such an agreement, mean an agreement under this Article and the person with whom the agreement is made.

(8) References in this Article to the management functions of the Executive in relation to houses or land include—

- (a) functions conferred by any statutory provision, and
- (b) the powers and duties of the Executive as holder of an estate in the houses or land in question.]

F1 1992 NI 15

[^{F2}Advances by the Executive

9.—(1) Subject to such conditions as the Department may specify, the Executive may—

- (a) advance money by way of loan to an person for any of the purposes mentioned in paragraph (2);
- (b) on the disposal of any house, allow any sum to be left outstanding on the security of the house; or
- (c) take a transfer of a mortgage in pursuance of Article 156.

(2) The purposes referred to in paragraph (1) are—

- (a) acquiring or constructing a house;
- (b) converting a building into a house or acquiring buildings for that purpose;
- (c) altering, enlarging, repairing or improving a house;
- (d) facilitating the repayment of an amount outstanding on a previous loan made for any of the purposes specified in sub#paragraphs (a) to (c).]

F2 1983 NI 15

Directions to the Executive

10.—(1) The Department may give directions of a general or specific nature to the Executive as to the manner in which it is to discharge its functions, and the Executive shall act in accordance with those directions.

(2) Any directions given to the Executive by the Department may be varied or revoked by subsequent directions so given.

Disclosure of information to the Department

11.—(1) The Executive shall provide the Department with such information relating to its proceedings as the Department may require.

(2) For that purpose, the Executive shall permit any person authorised by the Department in that behalf to inspect and make copies of its accounts, books, documents and papers and shall afford such explanation thereof as that person or the Department may reasonably require.

Annual report

12.—(1) The Executive shall as soon as may be after the 31st March in each year make to the Department a report of its activities in the preceding financial year.

(2) The Department shall lay before the Northern Ireland Assembly a copy of every report made under this Article.

Power to enter on lands

13.—(1) A person authorised in writing by the Executive may, at all reasonable times, on giving—

- (a) in the case of entry under this Article for the sole purpose of examination, at least 24 hours' notice of his intention to the occupier or owner; and
- (b) in the case of entry under this Article for any other purpose, at least 6 days' notice in writing of his intention to the occupier and to the owner, if the owner is known,

or, in either case, such lesser period of notice as may be agreed between the person so authorised and the occupier or the owner, and, in any case, on production (if so required) of his authority, enter for the purpose of survey, valuation or examination—

- (i) any land which the Executive proposes to acquire compulsorily;
- (ii) any land, where it appears to the Executive that survey, valuation or examination is necessary in order to determine whether any powers under this Order should be exercised in respect of that land;

and any power conferred by this Article to survey land shall be construed as including power to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil or the presence of minerals therein, or both, and to take and carry away, for the purpose of examination, specimens of the subsoil or minerals, or both, found therein.

(2) Where any property is damaged in the exercise of a right of entry conferred by this Article, or in the making of any survey or examination or the doing of anything for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered from the Executive by any person interested in the property.

(3) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

(4) Any reference in this Article to an occupier or to an owner shall be construed as including a reference to a person appointed in writing by such occupier or owner as his representative for purposes which include all or any of the purposes of this Article.

Information as to ownership of land

14.—(1) The Executive may, for the purpose of enabling it to serve any notice (including any copy of any notice) which it is by this Order authorised or required to serve, require the occupier of any land, and any person who, either directly or indirectly, receives rent in respect of any land, to state in writing the nature of his own estate therein and the name and address of any other person known to him as having an estate therein.

(2) Any person who, having been required by the Executive in pursuance of this Article to give to it any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F3} £1,000].

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CHAPTER III

FINANCE

Advances by the Department to the Executive

15.—^{F4}(1) The Department of Finance and Personnel may make advances to the Executive of such amounts and on such terms as that Department thinks fit.

(2) Subject to paragraph (3), there shall be issued out of the Consolidated Fund such sums as are necessary to enable the Department of Finance and Personnel to make advances under paragraph (1), and for the purpose of providing such issues the Department of Finance and Personnel may borrow money.]

(3) The amount by which the aggregate of the sums issued under—

- (a) paragraph (2);
- (b) Article 3(2) of the Housing Finance (Northern Ireland) Order 1977 ;
- (c) section 20(2) of the Housing Executive Act (Northern Ireland) 1971 ; and
- (d) section 17(2) of the Housing Act (Northern Ireland) 1945 ;

exceeds the total amounts of principal repaid to the Consolidated Fund in respect of advances made under paragraph (1), Article 3(1) of the said Order of 1977, section 20(1) of the said Act of 1971 and section 17(1) of the said Act of 1945 shall not at any time exceed^{F5} £1,800] million.

^{F4}(4) In paragraph (3)—

- (a) the reference to sums issued under paragraph (2) includes sums issued under that paragraph as it had effect before the day of the coming into operation of Article 25 of the Housing (Northern Ireland) Order 1988, and
- (b) the reference to advances made under paragraph (1) includes advances made under that paragraph as it had effect before that day.]

F4 1988 NI 23

F5 1993 NI 5

Borrowing by the Executive

16.—(1) The Executive may, with^{F6} the consent of the Department and with] the approval of the Department of Finance, borrow money.

(2) Without prejudice to section 19(1)(a)(ii) of the Interpretation Act (Northern Ireland) 1954 , a person lending money to the Executive shall not be bound to inquire whether the borrowing of the money is or was legal or regular or whether the money was properly applied.

(3) The Department of Finance may guarantee, in such manner and on such conditions as it may think fit, the repayment of the principal of, and the payment of interest on, any sums which the Executive borrows from any person.

(4) For the purposes of paragraph (3), any sums borrowed from any person by a former local authority (within the meaning of Part IX of the Local Government Act (Northern Ireland) 1972), the Northern Ireland Housing Trust or a new town commission, the liability for which was transferred to the Executive by virtue of section 8 of the Housing Executive Act (Northern Ireland) 1971 , shall be treated as sums borrowed by the Executive.

(5) Any sums required by the Department of Finance for fulfilling a guarantee under paragraph (3) shall be charged on and issued out of the Consolidated Fund, and for the purpose of providing for such issues the Department of Finance may borrow money.

F6 1988 NI 23

Rent scheme

17.—(1) The Executive shall submit to the Department a scheme for determining the rent to be charged by the Executive for any housing accommodation provided by it.

(2) The Department may approve a scheme submitted under paragraph (1) with or without modifications.

(3) The Executive shall comply with a scheme approved by the Department under paragraph (2).

(4) The Executive may at any time, and if the Department so directs shall, submit to the Department proposals amending a scheme approved under paragraph (2) or a scheme replacing any such scheme and paragraphs (2) and (3) shall have effect in relation to those proposals or a scheme replacing an existing scheme as they have effect in relation to a scheme.

Art. 18 rep. by 1983 NI 14

Estimates of the Executive's income and expenditure

19.—(1) In each financial year the Executive shall submit to the Department, in such form as the Department may direct, estimates of the income and expenditure of the Executive during the next-following financial year and shall submit such other information relating to those estimates as the Department may require.

(2) Without prejudice to any other statutory provision requiring the Executive to obtain the Department's approval or consent, the Department may approve estimates submitted under paragraph (1) either in whole or in part or subject to such modifications or conditions as the Department thinks fit.

(3) The Department may at any time approve an amendment to the estimates approved under paragraph (2) in such manner as it may determine.

(4) Subject to paragraph (5), the expenditure of the Executive shall be in accordance with estimates approved under paragraph (2) but where the Department is satisfied that any expenditure not provided for by the estimates has been, or will be, reasonably and properly incurred in any financial year, the Department may sanction such expenditure notwithstanding that it has not been provided for by the estimates.

(5) Where, for whatever reason, the Department has not approved the estimates for a financial year at the beginning of that year, the Executive may, until estimates for that year are approved, incur expenditure not exceeding 40 per cent of the amount of the estimates approved for the preceding financial year.

Annual grant to the Executive

20.—(1) Subject to^[F7] paragraphs (2) and (3)], the Department may in respect of each financial year pay to the Executive at such times, in such manner and subject to such conditions as the Department may think fit, a grant towards the expenditure incurred or to be incurred by the Executive in that year.

(2) The amount of any grant payable by the Department under paragraph (1) shall be such as the Department may, with the approval of the Department of Finance, determine.

^[F7](3) Paragraph (1) does not empower the Department to pay grant towards expenditure incurred or to be incurred by the Executive in the exercise of its functions under Article 86.

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(4) For the purposes of Article 86 paragraphs (1) and (2) shall have effect subject to the following modifications—

- (a) and reference to the Department shall be construed as a reference to the Department of Economic Development; and
- (b) in paragraph (1) the reference to expenditure incurred or to be incurred by the Executive shall be construed as a reference to expenditure incurred by the Executive in the exercise of its functions under that Article.]

F7 SR 1984/204

Accounts and Audit

21.—^{F8}(1) The Executive shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Executive shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General for Northern Ireland.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts sent to him by the Executive under this Article; and
- (b) send a copy of his report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.]

(9) The Executive may invest such money as is not immediately required for the purposes of the Executive^{F9} in any investments in which trustees may invest under—

- (a) the general power of investment in section 3 of the Trustee Act (Northern Ireland) 2001 (as restricted by sections 4 and 5 of that Act); or
- (b) section 8(1)(a) of that Act (land).]

F8 2003 NI 5

F9 2001 c. 14 (NI)

CHAPTER IV

HOUSING MANAGEMENT

House allocation scheme

22.—^{F10}(1) The Executive shall submit to the Department a scheme for the allocation of housing accommodation held by the Executive to prospective tenants or occupiers.]

(2) The Department may approve a scheme submitted under paragraph (1) with or without modifications.

(3) The Executive shall comply with a scheme approved by the Department under paragraph (2)^[F10] and with the provisions of Article 22A when allocating housing accommodation held by it].

(4) The Executive may submit to the Department proposals for amending a scheme approved under paragraph (2) or a scheme replacing any such scheme and paragraphs (2) and (3) shall have effect in relation to those proposals or a scheme replacing an existing scheme as they have effect in relation to a scheme.

^[F11](5) An applicant for a tenancy or licence of a house under a scheme shall, for the purpose of satisfying the Executive as to his identity, furnish such certificates, documents, information and evidence as the Executive may require.

(6) Nothing in a scheme or in any statutory provision shall oblige the Executive to entertain an application for housing accommodation until the applicant has complied with the requirements of paragraph (5).]

^[F10](7) For the purposes of this Article and Article 22A the Executive allocates housing accommodation when it selects a person to be a secure or introductory tenant of housing accommodation held by it.

(8) The reference in paragraph (7) to selecting a person to be a secure tenant includes deciding to exercise any power to notify an existing tenant or licensee that his tenancy or licence is to be a secure tenancy.]

F10 2003 NI 2

F11 1992 NI 15

^[F12]**Allocation only to eligible persons**

22A.—(1) The Executive shall not allocate housing accommodation—

- (a) to a person from abroad, if he is a person subject to immigration control who is ineligible for an allocation of housing accommodation by virtue of section 118 of the Immigration and Asylum Act 1999 (c. 33);
- (b) to any other person from abroad, if he is a person who is ineligible for such an allocation by virtue of regulations made under paragraph (3);
- (c) to a person who the Executive has decided is to be treated as ineligible for such an allocation by virtue of paragraph (6); or
- (d) to two or more persons jointly if any of them is a person mentioned in sub-paragraph (a), (b) or (c).

(2) Subject to paragraph (1), any person may be allocated housing accommodation by the Executive (whether on his application or otherwise).

(3) The Secretary of State may, for the purposes of paragraph (1)(b), by regulations specify classes of persons from abroad who are ineligible for an allocation of housing accommodation by the Executive.

(4) Regulations made under paragraph (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument, and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

(5) Nothing in paragraph (1)(a) or (b) affects the eligibility of a person who is already a secure or introductory tenant of the Executive.

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(6) The Executive may decide that an applicant is to be treated as ineligible for an allocation of housing accommodation by it if it is satisfied that—

- (a) he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the Executive; and
- (b) in the circumstances at the time his application is considered, he is unsuitable to be a tenant of the Executive by reason of that behaviour.

(7) The only behaviour which may be regarded by the Executive as unacceptable for the purposes of paragraph (6)(a) is—

- (a) behaviour of the person concerned which would (if he were a secure tenant of the Executive) entitle the Executive to a possession order under Article 29 of the Housing (Northern Ireland) Order 1983 (NI 15) on Ground 2 or Ground 3 in Schedule 3 to that Order; or
- (b) behaviour of a member of his household which would (if he were a person residing with a secure tenant of the Executive) entitle the Executive to such a possession order.

(8) If the Executive decides that an applicant for housing accommodation—

- (a) is ineligible for an allocation by virtue of paragraph (1)(a) or (b); or
- (b) is to be treated as ineligible for such an allocation by virtue of paragraph (6),

the Executive shall notify the applicant of its decision and the grounds for it.

(9) That notice shall be given in writing and, if not received by the applicant, shall be treated as having been given if it is made available at the Executive's district office for a reasonable period for collection by him or on his behalf.

(10) A person who is being treated by the Executive as ineligible by virtue of paragraph (6) may (if he considers that he should no longer be treated as ineligible) make a fresh application to the Executive for an allocation of housing accommodation by it.]

F12 2003 NI 2

Power to let houses to government departments and other bodies

23.—(1) The Executive may let houses to a government department (including a department of the government of the United Kingdom), or to a public authority or body, or to any charitable or benevolent association, society or body of persons (whether corporate or unincorporate).

(2) The Executive may let a house to any local or other body of persons for any purpose beneficial to the residents of the area in which the house to be let is situated.

Recovery of possession of premises let by the Executive

24.—(1) [^{F13}Subject to paragraph (2),] on the termination of the tenancy of any premises let by the Executive, possession of the premises may (without prejudice to any other method of recovery) be recovered by the Executive in a summary manner under [^{F14} Part VI of the Magistrates' Courts (Northern Ireland) Order 1981] wherever the premises may be situate and whatever may be the rent or term of the tenancy.

[^{F13}(2) Paragraph (1) does not apply to any tenancy which is a secure tenancy within the meaning of Article 25 of the Housing (Northern Ireland) Order 1983.]

F13 1983 NI 15

F14 1981 NI 26

Substitution or variation of tenancy agreements

25.—(1) Subject to paragraph (2), where a house is or has been let by the Executive on a weekly or other periodic tenancy, the Executive, without the tenancy being terminated, may—

- (a) substitute a new tenancy agreement for an existing tenancy agreement,
- (b) vary the terms of any tenancy agreement,⁸ by a written notice of substitution or variation given by the Executive to the tenant not less than 4 weeks before the date upon which the substitution or variation is to be made.

(2) A notice of substitution or variation given by the Executive under paragraph (1) shall not be valid unless it tells the tenant of his right to terminate the tenancy and of the steps to be taken by him if he wishes to do so.

(3) In this Article “tenancy agreement” includes every term or condition (other than the amount of rent to be paid) expressed or implied in any contract of letting.

^{F15}(4) This Article does not apply to a secure tenancy within the meaning of Article 25 of the Housing (Northern Ireland) Order 1983.]

F15 1983 NI 15

Increase of Executive rents

26.—(1) Subject to paragraphs (2) and (3), where a house is or has been let by the Executive on a weekly or other periodic tenancy, the rent payable to the Executive under the tenancy may, without the tenancy being terminated, be increased with effect from the beginning of any rental period (that is to say, a period in respect of which a payment of rent falls to be made) by a written notice of increase given by the Executive to the tenant not less than 4 weeks before the beginning of the rental period (or any earlier day on which the payment of rent in respect of that period falls to be made).

(2) Where the Executive gives a notice of increase under paragraph (1) for the beginning of a rental period and the tenancy continues into that period, the notice shall nevertheless not have effect if the tenancy is terminated by notice to quit given by the tenant in accordance with the express or implied provisions of the tenancy, and

- (a) the notice to quit is given before the end of the period of 2 weeks following the date on which the notice of increase is given, or such longer period as may be allowed by the notice of increase; and
- (b) the date on which the tenancy is made to terminate is not later than the earliest day on which the tenancy could be terminated by a notice to quit given by the tenant in the last day of that period.

(3) The Executive's notice of increase under paragraph (1) shall not be valid unless it tells the tenant of his right to terminate the tenancy and of the steps to be taken by him if he wishes to do so, and it also gives him the dates by which, if the increase is not to be effective, the notice to quit must be received by the Executive and the tenancy made to terminate.

^{F16}(4) This Article does not apply to a secure tenancy within the meaning of Article 25 of the Housing (Northern Ireland) Order 1983.]

F16 1983 NI 15

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[^{F17}**Length of notice to quit under Executive tenancies**

26A. A notice by the Executive or by a tenant of the Executive to quit a house let (whether before or after the coming into operation of the Housing (Northern Ireland) Order 1983) under a tenancy shall not be valid unless it is given not less than four weeks before the date on which it is to take effect.]

F17 1983 NI 15

Status:

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