
STATUTORY INSTRUMENTS

1981 No. 156

Housing (Northern Ireland) Order 1981

PART II

THE NORTHERN IRELAND HOUSING EXECUTIVE

CHAPTER IV

HOUSING MANAGEMENT

House allocation scheme

22.—^[F1](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)^[F1] 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.

^[F2](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).]

^[F1](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.]

F1	2003 NI 2
F2	1992 NI 15

^[F3]Allocation only to eligible persons

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

Status: Point in time view as at 01/01/2006.

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- (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.
- (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.]

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) [^{F4}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 [^{F5} 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.

[^{F4}(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.]

F4 1983 NI 15
F5 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, 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.

[^{F6}(4) This Article does not apply to a secure tenancy within the meaning of Article 25 of the Housing (Northern Ireland) Order 1983.]

F6 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

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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.

[^{F7}(4) This Article does not apply to a secure tenancy within the meaning of Article 25 of the Housing (Northern Ireland) Order 1983.]

F7 1983 NI 15

[^{F8}**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.]

F8 1983 NI 15

Status:

Point in time view as at 01/01/2006.

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