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STATUTORY INSTRUMENTS

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**1983 No. 1118**

**The Housing (Northern Ireland) Order 1983**

**PART II**

**SECURE TENANTS**

**CHAPTER II**

**SECURITY OF TENURE AND RIGHTS OF SECURE TENANTS**

*Secure tenancies*

**Succession on death of tenant**

**26.**—(1) Where on the death of the tenant under a secure tenancy there is a person qualified to succeed him, the tenancy vests by virtue of this Article in that person or, if there is more than one such person, in the one who is to be preferred in accordance with paragraph (3), unless the tenant was a successor.

(2) A person is qualified to succeed the tenant under a secure tenancy if he occupied the dwelling-house as his only or principal home at the time of the tenant's death and either—

- (a) he is the tenant's spouse<sup>[F1]</sup> or civil partner]; or
- (b) he is another member of the tenant's family and has resided with the tenant throughout the period of twelve months ending with the tenant's death.

(3) Where there is more than one person qualified to succeed the tenant—

- (a) the tenant's spouse<sup>[F1]</sup> or civil partner] is to be preferred to another member of the tenant's family; and
- (b) of two or more other members of the tenant's family such of them is to be preferred as may be agreed between them or as may, where there is no such agreement, be selected by the landlord.

(4) <sup>[F2]</sup>Subject to<sup>[F1]</sup> paragraphs (4A) and (4B)]] the tenant under a secure tenancy is a successor if—

- (a) the tenancy vested in him by virtue of paragraph (1); or
- (b) he was a joint tenant and has become the sole tenant; or
- (c) he became the tenant on the tenancy being assigned to him or on its being vested in him on the death of the previous tenant;<sup>[F3]</sup> or
- (d) the tenancy was previously an introductory tenancy and he was a successor to the introductory tenancy.]

<sup>F2</sup> . . .

<sup>[F2]</sup>(4A) A tenant to whom the tenancy was assigned in pursuance of an order under Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978 is a successor only if the other party to

the marriage was himself a successor; and a tenant to whom the tenancy was assigned by virtue of Article 32A is a successor only if he was a successor in relation to the tenancy which he himself assigned by virtue of that Article.]

[<sup>F1</sup>(4B) A tenant to whom the tenancy was assigned in pursuance of an order under any of the following provisions of the Civil Partnership Act 2004—

- (a) Part 2 of Schedule 15; or
- (b) paragraph 9(2) or (3) of Schedule 17,

is a successor only if the other civil partner was a successor.]

(5) Where within six months of the coming to an end of a secure tenancy (in this paragraph referred to as the former tenancy) the tenant becomes a tenant under another secure tenancy; and—

- (a) the tenant was a successor in relation to the former tenancy; and
- (b) under the other tenancy either the dwelling-house or the landlord is or both are the same as under the former tenancy;

the tenant is a successor also in relation to the other tenancy, unless the agreement creating the other tenancy otherwise provides.

<b>F1</b>	<a href="#">2004 c.33</a>
<b>F2</b>	<a href="#">1986 NI 13</a>
<b>F3</b>	<a href="#">2003 NI 2</a>

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1983, Section 26.