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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**

*Housing management*

**Rights of landlord where secure tenancy appears to have been abandoned**

**41.**—(1) Where the landlord under a secure tenancy has reasonable grounds for believing that—

- (a) the dwelling-house is unoccupied, and
- (b) the tenant does not intend to occupy it as his home,

the landlord shall be entitled to enter the dwelling-house at any time, for the purpose of making safe the dwelling-house, and any fittings, fixtures or furniture.

(2) For the purposes of paragraph (1) the landlord and its servants or agents may open, by force if necessary, any door or window of the dwelling-house.

(3) Where the, landlord—

[<sup>F1</sup>(a) has reasonable grounds for believing the matters mentioned in paragraph (1)(a) and (b); and]

- (b) wishes to take possession of the dwelling-house,

the landlord shall serve on the tenant a notice in the prescribed form—

- (i) stating that it has reason to believe that the dwelling-house is unoccupied and that the tenant does not intend to occupy it as his home;
- (ii) requiring the tenant to inform it in writing within four weeks of service of the notice if he intends to occupy the dwelling-house as his home; and
- (iii) informing the tenant that, if it appears to the landlord at the end of the said period of four weeks that the tenant does not intend so to occupy the dwelling-house, the secure tenancy will be terminated forthwith.

(4) Where the landlord has—

- (a) served on the tenant a notice which complies with paragraph (3); and
- (b) made such inquiries as may be necessary to satisfy the landlord that the dwelling-house is unoccupied and that the tenant does not intend to occupy it as his home,

and at the end of the period of four weeks mentioned in paragraph (3) is so satisfied, it may serve a further notice on the tenant which shall bring the tenancy to an end forthwith.

(5) Where a tenancy has been terminated under paragraph (4) the landlord shall be entitled to take possession of the dwelling-house forthwith without any further proceedings.

(6) The Department may by order make provision for the landlord to ensure the safe custody and delivery to the tenant of any property which is found in a dwelling house to which this Article applies; and in particular—

- (a) for requiring charges to be paid in respect of such property before it is delivered to the tenant; and
- (b) for authorising the disposal of such property, if the tenant has not arranged for its delivery to him before the expiry of such period as the order may specify and the application of any proceeds towards any costs incurred by the landlord and any rent due but unpaid by the tenant to the landlord.

**F1** Art. 41(3)(a) substituted (30.6.2011) by [Housing \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 22\)](#), **ss. 15(1)**, 25(1); S.R. 2011/241, **art. 2(1)**, Sch. 1

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1983, Section 41.