
STATUTORY INSTRUMENTS

1986 No. 1301

The Housing (Northern Ireland) Order 1986

PART III

SECURE TENANTS

CHAPTER II

OTHER RIGHTS OF SECURE TENANTS

Grounds and orders for possessions

36.—(1) In Part I of Schedule 3 to the Order of 1983 (grounds on which court may order possession) after ground 5 there shall be inserted the following ground—

“Ground 5A

The tenancy was assigned to the tenant, or to a predecessor in title of his who is a member of his family and is residing in the dwelling-house, by an assignment made by virtue of Article 32A and a premium was paid either in connection with that assignment or the assignment which the tenant or predecessor himself made by virtue of that Article.

In this paragraph “premium” means any fine or other like sum and any other pecuniary consideration in addition to rent.” .

(2) After paragraph (3) of Article 29 of that Order there shall be inserted the following paragraph

—
“(3A) The matters to be taken into account by the court in determining whether it is reasonable to make an order on ground 11 shall include—

- (a) the age of the tenant
- (b) the period during which the tenant has occupied the dwelling-house as his only or principal home; and
- (c) any financial or other support given by the tenant to the previous tenant” .

Assignments

37.—(1) In Article 32(1) of the Order of 1983, at the end of sub-paragraph (b) there shall be added the following—

“or

- (c) the assignment is made in pursuance of Article 32A”

(2) After Article 32 of that Order there shall be inserted the following Article—

“Assignments by way of exchange

32A.—(1) It is by virtue of this Article a term of every secure tenancy that the tenant may, with the written consent of the landlord, assign the tenancy to a person to whom this paragraph applies; and this paragraph applies to any person who is the tenant under a secure tenancy and has the written consent of the landlord to assign the tenancy either to the first mentioned tenant or to another person to whom this paragraph applies.

(2) The consent required by virtue of this Article is not to be withheld except on one or more of the grounds set out in Schedule 3A and, if withheld otherwise than on one of those grounds, shall be treated as given.

(3) The landlord shall not be entitled to rely on any of the grounds set out in Schedule 3A unless, within 42 days of the tenant's application for the consent, the landlord has served on the tenant a notice specifying that ground and giving particulars of it.

(4) Where any rent lawfully due from the tenant has not been paid or any obligation of the tenancy has been broken or not performed, the consent required by virtue of this Article may be given subject to a condition requiring the tenant to pay the outstanding rent, remedy the breach or perform the obligation.

(5) Except as provided by paragraph (4), a consent required by this Article cannot be given subject to a condition, and any condition imposed otherwise than as so provided shall be disregarded.”.

(3) After Schedule 3 to the Order of 1983 there shall be inserted, as Schedule 3A, the Schedule set out in Schedule 7 to this Order.

Rent not to increase on account of certain improvements

38. In Article 36 of the Order of 1983 (rent not to be increased on account of tenant's improvements) after sub-paragraph (b) there shall be added the following sub-paragraphs—

“or

(c) if he has assigned the tenancy and the assignment was made as mentioned in sub-paragraph (a) or (b) of Article 32(1), at any time whilst the assignee is a secure tenant of that dwelling-house; or

(d) if the tenancy has been transferred to his spouse or former spouse by an order under Schedule 2 to the Rent (Northern Ireland) Order 1978 as applied by Article 43 or by an order under the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984, at any time whilst the transferee is a secure tenant of that dwelling-house”.

Art. 39 rep. by 2003 NI 2

Changes to legislation:

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1986, CHAPTER II.