
STATUTORY INSTRUMENTS

2003 No. 412

The Housing (Northern Ireland) Order 2003

PART II

CONDUCT OF TENANTS

CHAPTER II

INTRODUCTORY TENANCIES

General provisions

Introductory tenancies

6.—(1) The Executive or a registered housing association may elect to operate an introductory tenancy regime.

(2) When such an election is in operation, every periodic tenancy of a dwelling-house entered into or adopted by the Executive or the association shall, if it would otherwise be a secure tenancy, be an introductory tenancy, unless immediately before the tenancy was entered into or adopted the tenant or, in the case of joint tenants, one or more of them was a secure tenant of the same or another dwelling-house.

(3) Paragraph (2) does not apply to a tenancy entered into or adopted in pursuance of a contract made before the election was made.

(4) For the purposes of this Chapter a periodic tenancy is adopted by a person if that person becomes the landlord under the tenancy, whether on a disposal or surrender of the interest of the former landlord.

(5) An election under this Article may be revoked at any time, without prejudice to the making of a further election.

Duration of introductory tenancy

7.—(1) A tenancy remains an introductory tenancy until the end of the trial period, unless one of the events mentioned in paragraph (5) occurs before the end of that period.

(2) The “trial period” is the period of one year beginning with—

(a) in the case of a tenancy which was entered into by the Executive or a registered housing association—

(i) the date on which the tenancy was entered into, or

(ii) if later, the date on which a tenant was first entitled to possession under the tenancy;
or

(b) in the case of a tenancy which was adopted by the Executive or a registered housing association, the date of adoption;

subject as follows.

(3) Where the tenant under an introductory tenancy was formerly a tenant under another introductory tenancy, or held a qualifying shorthold tenancy from a registered housing association, any period or periods during which he was such a tenant shall count towards the trial period, provided—

- (a) if there was one such period, it ended immediately before the date specified in paragraph (2), and
- (b) if there was more than one such period, the most recent period ended immediately before that date and each period succeeded the other without interruption.

(4) Where there are joint tenants under an introductory tenancy, the reference in paragraph (3) to the tenant shall be construed as referring to the joint tenant in whose case the application of that paragraph produces the earliest starting date for the trial period.

(5) A tenancy ceases to be an introductory tenancy if, before the end of the trial period—

- (a) the circumstances are such that the tenancy would not otherwise be a secure tenancy,
- (b) a person or body other than the Executive or a registered housing association becomes the landlord under the tenancy,
- (c) the election in force when the tenancy was entered into or adopted is revoked, or
- (d) the tenancy ceases to be an introductory tenancy by virtue of Article 15(3) (succession).

(6) A tenancy does not come to an end merely because it ceases to be an introductory tenancy, but a tenancy which has once ceased to be an introductory tenancy cannot subsequently become an introductory tenancy.

(7) This Article has effect subject to Article 12 (effect of beginning proceedings for possession).

Licences

8.—(1) The provisions of this Chapter apply in relation to a licence to occupy a dwelling-house (whether or not granted for a consideration) as they apply in relation to a tenancy.

(2) Paragraph (1) does not apply to a licence granted as a temporary expedient to a person who entered the dwelling-house or any other land as a trespasser (whether or not, before the grant of that licence, another licence to occupy that or another dwelling-house had been granted to him).