
STATUTORY INSTRUMENTS

2003 No. 412

The Housing (Northern Ireland) Order 2003

PART II

CONDUCT OF TENANTS

CHAPTER II

INTRODUCTORY TENANCIES

Proceedings for possession

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9.—(1) The landlord may only bring an introductory tenancy to an end by obtaining an order of the court for the possession of the dwelling-house.

(2) The court shall make such an order unless the provisions of Article 10 apply.

(3) Where the court makes such an order, the tenancy comes to an end on the date on which the tenant is to give up possession in pursuance of the order.

Notice of proceedings for possession

10.—(1) The court shall not entertain proceedings for the possession of a dwelling-house let under an introductory tenancy unless the landlord has served on the tenant a notice of proceedings complying with this Article.

(2) The notice shall state that the court will be asked to make an order for the possession of the dwelling-house.

(3) The notice shall set out the reasons for the landlord's decision to apply for such an order.

(4) The notice shall specify a date after which proceedings for the possession of the dwelling-house may be begun.

The date so specified must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings.

(5) The court shall not entertain any proceedings for possession of the dwelling-house unless they are begun after the date specified in the notice of proceedings.

(6) The notice shall inform the tenant of his right to request a review of the landlord's decision to seek an order for possession and of the time within which such a request must be made.

(7) The notice shall also inform the tenant where he should take the notice, if he needs help or advice about it.

Review of decision to seek possession

11.—(1) A request for review of the landlord’s decision to seek an order for possession of a dwelling-house let under an introductory tenancy must be made before the end of the period of 14 days beginning with the day on which the notice of proceedings is served.

(2) On a request being duly made to it, the landlord shall review its decision.

(3) The Department may make provision by regulations as to the procedure to be followed in connection with a review under this Article.

Nothing in the following provisions affects the generality of this power.

(4) Provision may be made by regulations—

(a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and

(b) as to the circumstances in which the person concerned is entitled to an oral hearing, and whether and by whom he may be represented at such a hearing.

(5) The landlord shall notify the person concerned of the decision on the review.

If the decision is to confirm the original decision, the landlord shall also notify him of the reasons for the decision.

(6) The review shall be carried out and the tenant notified before the date specified in the notice of proceedings as the date after which proceedings for the possession of the dwelling-house may be begun.

Effect of beginning proceedings for possession

12.—(1) This Article applies where the landlord has begun proceedings for the possession of a dwelling-house let under an introductory tenancy and—

(a) the trial period ends, or

(b) any of the events specified in Article 7(5) occurs (events on which a tenancy ceases to be an introductory tenancy).

(2) Subject to the following provisions, the tenancy remains an introductory tenancy until—

(a) the tenancy comes to an end in pursuance of Article 9(3) (that is, on the date on which the tenant is to give up possession in pursuance of an order of the court), or

(b) the proceedings are otherwise finally determined.

(3) If any of the events specified in Article 7(5)(b) to (d) occurs, the tenancy shall thereupon cease to be an introductory tenancy but—

(a) the landlord (or, as the case may be, the new landlord) may continue the proceedings, and

(b) if it (or he) does so, Article 9(2) and (3) (termination by the landlord) apply as if the tenancy had remained an introductory tenancy.

(4) Where in accordance with paragraph (3) a tenancy ceases to be an introductory tenancy and becomes a secure tenancy, the tenant is not entitled to purchase the dwelling-house under a house sales scheme unless and until the proceedings are finally determined on terms such that he is not required to give up possession of the dwelling-house.

In this paragraph “a house sales scheme” means any scheme for the time being approved by the Department under Article 3 or 3A of the Order of 1983 (see Article 131).

(5) For the purposes of this Article proceedings shall be treated as finally determined if they are withdrawn or any appeal is abandoned or the time for appealing expires without an appeal being brought.