

2014 No. 103

HOUSING

**The Secure Tenancies (Notice) Regulations (Northern Ireland)
2014**

Made - - - - - *27th March 2014*

Coming into operation - *5th May 2014*

The Department for Social Development (**a**), in exercise of the powers conferred by Articles 28(2)(a) and 106(1) of the Housing (Northern Ireland) Order 1983(**b**), and now exercisable by it, and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Secure Tenancies (Notice) Regulations (Northern Ireland) 2014 and shall come into operation on 5th May 2014.

Form of notice

2. The notice to be served on a secure tenant under Article 28 of the Housing (Northern Ireland) Order 1983 before the court can entertain proceedings for possession of a dwelling-house let under a secure tenancy shall be in the form prescribed in Schedule 1.

Revocations

3. The Regulations specified in Schedule 2 are hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 27th March 2014.



Jim Wilkinson
A senior officer of the
Department for Social Development

(a) S.I. 1999/283 (N.I. 1) Article 3(1)

(b) S.I. 1983/1118 (N.I. 15) Article 28 was substituted by Article 25 of S.I. 2003/412 (N.I. 2)

SCHEDULE 1

HOUSING (NORTHERN IRELAND) ORDER 1983, ARTICLE 28

Form ***

Notice of Seeking Possession of Secured Tenancy

THIS NOTICE IS THE FIRST STEP TOWARDS REQUIRING YOU TO GIVE UP POSSESSION OF YOUR DWELLING. YOU SHOULD READ IT, AND ALL THE NOTES, VERY CAREFULLY

1. To.....

.....

2. The..... intends to apply to the Court for an order requiring you to give up possession of:-

.....

.....

.....

3. Possession will be sought on ground(s) of Part I of Schedule 3 to the Housing (Northern Ireland) Order 1983 which read(s):-

4. The reasons for taking this action are:-

Cross out this paragraph if possession is being sought on ground 2 of Schedule 3 to the Housing (Northern Ireland) Order 1983 (whether or not possession is also sought on another ground)

5. The court proceedings will not be begun until after

Cross out this paragraph if possession is being sought on ground 2 of Schedule 3 to the Housing (Northern Ireland) Order 1983

6. Court proceedings for possession of the dwelling-house may be begun immediately (see section 9 of the Notes at the end of this Notice).

The earliest date by which you can be required to give up possession of the dwelling-house is

Signed

On behalf of.....

Address

.....

.....

Tel. No.

Date

NOTES

Grounds for possession

1. If you have a secure tenancy under the Housing (Northern Ireland) Order 1983, you can only be required to leave your dwelling following an order of the Court on one or more of the grounds set out in Schedule 3 to that Order. Paragraph 3 of this Notice tells you on what grounds an order is sought against you and paragraph 4 gives the landlord's reasons for believing those grounds apply. If you do not agree that they apply, you will be able to argue your case at a hearing in court.

Does the Court have to grant the landlord possession?

2. Before the Court grants an order on any of the grounds 1 to 6 or 8 to 11 it must be satisfied that it is reasonable to require you to leave. This means that, if any of these grounds are mentioned in paragraph 3 of this Notice, you will be able to argue to the Court that it is not reasonable you should have to leave, even if you accept that the grounds do apply

Suitable alternative accommodation

3. Before the Court grants an order on any of the grounds 7 to 11 it must be satisfied that there will be suitable alternative accommodation for you when you have to leave. This means that the Court will have to decide that, in their opinion, there will be other accommodation which is reasonably suitable for the needs of you and your family, taking into account various factors such as the nearness of your place of work and the sort of housing that other people with similar needs are offered. Your new home will have to be let to you on another secure tenancy or a tenancy under the Rent (Northern Ireland) Order 1978 that will give you similar security. There is no requirement for suitable alternative accommodation where grounds 1 to 6 apply.
4. If your landlord is a registered housing association, and the Housing Executive gives a certificate that it will provide you with suitable accommodation, the Court has to accept the certificate.
5. Whatever grounds are set out in Paragraph 3 of this Notice, the Court may allow any of the other grounds to be added at a later stage. If this is done, you will be told about it so you can argue about the new ground if you want to.

Time limits

6. Except where possession is being sought on ground 2 (which relates to anti-social behaviour), court proceedings cannot be begun until after the date given in paragraph 5 of this Notice. The date given in paragraph 5 cannot be earlier than the date when your tenancy could have been brought to an end if it was not a secure tenancy. This means that, if you have a weekly or fortnightly tenancy, there should be at least 4 weeks between the date this Notice is given and the date in paragraph 5.
7. After the date in paragraph 5, court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months is up the Notice will lapse and it will be necessary for a new Notice to be served before possession can be sought.

8. Where possession is sought on ground 2, court proceedings may be begun at once or at any time during the following twelve months, although possession of your dwelling cannot be obtained until after the date given in paragraph 6 of this Notice. The date given in paragraph 6 cannot be earlier than the date when your tenancy could have been brought to an end if it was not a secure tenancy. This means that, if you have a weekly or fortnightly tenancy, there should be at least 4 weeks between the date this Notice is given and the date in paragraph 6.

Landlord's offer of support

9. Where the landlord is in a position to seek possession on ground 2, the landlord may offer support to help you and your household to address any behaviour relating to this ground. If you accept such an offer, the landlord may decide to review its decision to seek an order for possession. If you do not accept the landlord's offer of support, it is likely that the landlord will seek to have Court proceedings for possession of your home begun at once.

Leaving without a Court order

10. If you are willing to give up possession without a Court order, you should notify the person who signed the notice as soon as possible and specify a date on which your tenancy is to terminate. This date must be not less than four weeks from the date of notification.

Further advice

11. If you need advice about this Notice, and what you should do about it, take it as quickly as possible to a Citizen's Advice Bureau, the Housing Rights Service, the Law Centre or to a Solicitor. You may be able to receive Legal Aid but this will depend on your circumstances.

SCHEDULE 2

Regulation 3

Revocation Schedule

<i>(1) Regulations Revoked</i>	<i>(2) References</i>
Secure Tenancies (Notice) Regulations (Northern Ireland) 1983	S.R. 1983 No. 285
Secure Tenancies (Notice) (Amendment) Regulations (Northern Ireland) 2003	S.R. 2003 No. 411

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe a form of notice which has to be served on a secure tenant under the Housing (Northern Ireland) Order 1983 before the court can entertain proceedings for possession of a dwelling house let under a secure tenancy or for the termination of a secure tenancy, unless the court considers it just and equitable to dispense with the requirement for such a notice.

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STATUTORY RULES OF NORTHERN IRELAND

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