
DRAFT STATUTORY INSTRUMENTS

2003 No.

The Housing (Northern Ireland) Order 2003

PART IV

MISCELLANEOUS AMENDMENTS

CHAPTER III

AMENDMENTS OF THE ORDER OF 1983

Tenant's improvements

132.—(1) After Article 34 of the Order of 1983 (tenant's improvements) there shall be inserted—

“Right to compensation for improvements

34A.—(1) The duty imposed by this Article shall apply in relation to cases where a secure tenant whose landlord is the Executive has made an improvement and—

- (a) the Executive has given its written consent to the improvement or is treated as having given its consent; and
- (b) the work on the improvement was begun not earlier than the date of the coming into operation of Article 132 of the Housing (Northern Ireland) Order 2003; and
- (c) at the time when the tenancy comes to an end the landlord is the Executive and the tenancy is a secure tenancy.

(2) The Executive shall prepare and submit to the Department a scheme for entitling a secure tenant whose landlord is the Executive—

- (a) at the time when the tenancy comes to an end; and
- (b) subject to and in accordance with the scheme,

to be paid compensation by the Executive in respect of the improvement.

(3) A scheme submitted under paragraph (2) may contain such provision as the Executive thinks appropriate and, without prejudice to the generality of the foregoing, shall include provision with respect to—

- (a) the types of improvement to which the scheme applies;
- (b) the manner in which and the period within which claims for compensation under the scheme are to be made, and the procedure to be followed in determining such claims;
- (c) the conditions under which compensation shall not be payable;
- (d) the method by which sums of compensation payable under the scheme are to be calculated;
- (e) the minimum and maximum amounts of compensation payable in respect of any claim for compensation; and

- (f) the circumstances in which the Executive may set off against any compensation payable under the scheme any sums owed to it by the tenant to whom compensation is payable.
- (4) The Department may approve a scheme submitted under paragraph (2) with or without modifications.
- (5) The Executive shall comply with a scheme approved by the Department under paragraph (4).
- (6) The Executive may at any time, and if the Department so directs shall, submit to the Department proposals amending a scheme approved under paragraph (4) or a scheme replacing any such scheme; and paragraphs (4) and (5) shall have effect in relation to those proposals or a scheme replacing an existing scheme as they have effect in relation to a scheme.
- (7) For the purposes of this Article a tenancy shall be treated as coming to an end if—
 - (a) it ceases to be a secure tenancy by reason of the landlord condition no longer being satisfied, or
 - (b) it is assigned, with the consent of the landlord, to a person to whom Article 32A(1) applies.”.
- (2) In Article 35(2) of the Order of 1983 (reimbursement of cost of tenant’s improvements)—
 - (a) for the word “shall” there shall be substituted “may”;
 - (b) after the word “power” there shall be inserted “or duty”.
- (3) The amendments made by paragraph (2) do not apply where a secure tenant has made an improvement and work on the improvement was begun before the date of the coming into operation of this Article.
- (4) In paragraph (3) “improvement” has the meaning given in Article 34(3) of the Order of 1983.