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## STATUTORY INSTRUMENTS

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# 1981 No. 1675

## The Magistrates' Courts (Northern Ireland) Order 1981

### PART VI

#### DEBT AND EJECTMENT PROCEEDINGS

##### *Ejectment proceedings*

##### **Ejectment proceedings**

**67.**—(1) This Article and Articles 68 to 72 shall apply to—

- (a) any lands or premises which are let by any landlord from quarter to quarter or for any lesser period of time, at a rent not exceeding the rate of £110 a year;
- (b) any lands or premises into which any person has been put by permission of the owner as servant, herdsman or caretaker;
- (c) any lands or premises the possession of which under the provisions of any enactment in force on 30th November 1965 was recoverable summarily under or in accordance with Part IV of the Summary Jurisdiction Act (Northern Ireland) 1935 or under and in accordance with sections 84, 85 and 89 of the Landlord and Tenant Law Amendment Act, Ireland, 1860<sup>F1</sup>;

and any such lands or premises are in this Article and those Articles referred to as “premises”.

(2) For the purposes of this Article and any other enactment conferring jurisdiction in ejectment on a court of summary jurisdiction, any attempted letting to which section 1 (1) of the Rent Restriction (Defective Tenancies) Act (Northern Ireland) 1944<sup>F2</sup> or section 9 (1) of the Rents Tribunals (Extension of Jurisdiction) Act (Northern Ireland) 1954<sup>F3</sup> applied shall be deemed to be a valid letting.

(3) Where—

- (a) the term or interest of the tenant in any premises is ended or has been determined by a notice to quit, and the tenant, or (if the tenant does not himself occupy the premises or occupies only part of them) the person by whom the premises or any part of them are occupied, neglects or refuses to deliver up possession of the same; or
- (b) any person is put into possession of any premises by permission of the owner as servant, herdsman or caretaker and that person (or any other person claiming through or under him) refuses or omits to quit and deliver up possession of the premises on demand made by the owner of them or his known agent or receiver; or
- (c) the landlord or owner of the premises is entitled to recover or take possession of the premises under or in accordance with any of the provisions referred to in paragraph (1) (c);

the landlord or owner of the premises may proceed for their recovery before a court of summary jurisdiction by issuing a process requiring the tenant or occupier to appear before the court to show cause why the landlord or owner should not be put into possession of the premises.

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**Changes to legislation:** *The Magistrates' Courts (Northern Ireland) Order 1981, Cross Heading: Ejectment proceedings is up to date with all changes known to be in force on or before 19 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(4) If the tenant or occupier does not appear before the court of summary jurisdiction or appears, but does not show to the satisfaction of the court cause why possession should not be given, the court may order the issue of a decree directing that the landlord or owner be put into possession of the premises.

<b>F1</b>	1860 c. 154
<b>F2</b>	1944 c. 6 (NI)
<b>F3</b>	1954 c. 16 (NI)

### **Time within which ejectment proceedings may be commenced**

**68.** Ejectment proceedings before a court of summary jurisdiction shall not be brought after the expiration of six years from the time when the cause of action arose.

### **Liability of overholding tenant or occupier**

**69.**—(1) Where the tenant or occupier of any premises overholds the premises after the tenancy or occupation has been lawfully determined and the possession has been lawfully demanded of him by the landlord or owner, such tenant or occupier shall be liable to pay the landlord or owner in respect of the period during which he has so overheld an amount equal to the rent or other sum, if any, which would have otherwise accrued due for that period if the tenancy or occupation had not been determined.

(2) The provisions of section 76 of the Landlord and Tenant Law Amendment Act, Ireland, 1860 shall not apply to ejectment proceedings before a court of summary jurisdiction.

### **Recognizance upon appeal against order for possession of premises**

**70.**—(1) Where an appeal is made under Part XII by the tenant or occupier against an order made in ejectment proceedings, he shall upon entering the recognizance referred to in Article 149 further undertake according to the condition in the recognizance not to do, or suffer others to do, any waste, injury or dilapidation to the premises pending the appeal and to satisfy all rent, mesne profits or any sum accruing due to the landlord or owner under Article 69 (1) while the tenant or occupier continues in possession.

(2) Where the tenant or occupier fails to observe such undertaking or any other condition of the recognizance, the court of summary jurisdiction which made the order against which the appeal was to be made, may, without prejudice to Article 151, in ordering the estreat of the recognizance order that the landlord or owner may receive out of the sum due under the recognizance, an amount sufficient to cover any loss which the landlord or owner appears to the court to have sustained by the failure of the tenant or occupier to observe any condition of the recognizance.

### **References to landlord or owner**

**71.** References in Article 67 to 70 to the landlord or owner of premises shall include the executors or administrators or assigns of such landlord or owner and his or their agent duly authorised in writing, or the receiver of the rents of his estate and, in relation to premises subject to the enactments referred to in Article 67 (1) (c), shall include any person entitled under those enactments to recover possession of the premises.

**Changes to legislation:**

The Magistrates' Courts (Northern Ireland) Order 1981, Cross Heading: Ejectment proceedings is up to date with all changes known to be in force on or before 19 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) arts.3\(4\)25](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.5\(2\)](#)
- Instrument mod (prosp) by [1994 c. 33 s. 91\(3\)](#)
- Instrument revoked by [1998 c. 41 s.74\(1\)\(3\)Sch.12 para.5Sch.14 Pt.I](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Order applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2018/1125](#), reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Order power to modify conferred by [2015 c. 9 \(N.I.\) s. 24\(5\)\(a\)](#) (see [s 24\(6\)](#))

**Whole provisions yet to be inserted into this Order (including any effects on those provisions):**

- [Sch.6 Pt.I paras.1819](#) revoked by [1995 c. 21 s. 314\(1\)Sch.12](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch.6 Pt.I para.5](#) revoked by [S.I. 1995/756 art.15Sch.](#)
- [Sch. 6 para. 128-130](#) repealed by [2011 c. 15 \(N.I.\) Sch. 3 Pt. 2](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 125](#) repealed by [2011 c. 16 \(N.I.\) Sch. 5](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 Pt. 3 para. 170](#) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 1](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 144](#) repealed by [2006 c. 48 Sch. 15 Pt. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 21](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 25](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [art. 29A](#) excluded by [1975 c. 59, s. 4\(3\)](#) (as substituted) by [2015 c. 9 \(N.I.\) s. 7\(6\)](#)
- [art. 29A](#) inserted by [2015 c. 9 \(N.I.\) s. 7\(2\)](#)
- [art. 34\(1A\)-\(1E\)](#) inserted by [2015 c. 9 \(N.I.\) s. 8\(2\)](#)
- [art. 140\(2ZA\)](#) inserted by [2016 c. 18 \(N.I.\) Sch. 10 para. 16](#)