
STATUTORY INSTRUMENTS

1983 No. 1118

The Housing (Northern Ireland) Order 1983

PART II

SECURE TENANTS

CHAPTER II

SECURITY OF TENURE AND RIGHTS OF SECURE TENANTS

Housing management

Provision of information about housing allocation

- 39.**—(1) The landlord shall publish a summary of its rules—
- (a) for determining the order in which prospective tenants or occupiers of the landlord's dwelling-houses are to be granted tenancies or licences of those houses; and
 - (b) governing cases where secure tenants wish to move (whether or not by way of an exchange of dwelling-houses) to other dwelling-houses let under secure tenancies by that landlord or by another landlord.
- (2) The landlord shall—
- (a) maintain a set of the rules referred to in paragraph (1) and of the rules which it has laid down governing the procedure to be followed in allocating housing accommodation; and
 - (b) make such rules available for inspection at all reasonable hours without charge by members of the public—
 - (i) in the case of the Executive, at its district offices, and
 - (ii) in the case of a registered housing association, at its registered office.
- (3) A registered housing association shall also send a copy of the rules referred to in paragraph (2)
- (a) to the Department.
- (4) A copy of any summary published under paragraph (1) shall be furnished without charge, and a copy of any set of rules maintained under paragraph (2) shall be furnished on payment of a reasonable fee, to any member of the public who asks for one.
- (5) At the request of any person who has applied to it for housing accommodation, the landlord shall make available to him, at all reasonable times and without charge, details of the particulars which he has given to the landlord about himself and his family and which the landlord has recorded as being relevant to his application for accommodation.

Consultation with secure tenants

- 40.**—(1) Before making any decision in relation to any matter of housing management, the landlord shall consult those of its secure tenants affected by the matter.

(2) For the purposes of paragraph (1) a matter is one of housing management if, in the opinion of the landlord, it—

- (a) relates to the management, maintenance, improvement or demolition of dwelling-houses let by the landlord under secure tenancies, or to the provision of services or amenities in connection with such dwelling-houses; and
- (b) represents a new programme of maintenance, improvement or demolition or a change in the practice or policy of the landlord; and
- (c) is likely substantially to affect its secure tenants as a whole or a group of them.

(3) A matter is not one of housing management for the purposes of paragraph (1) in so far as it relates to the rent payable under any secure tenancy or to any charge for services or facilities provided by the landlord.

(4) In paragraph (2) “group” means a group of secure tenants who—

- (a) form a distinct social group; or
- (b) occupy dwelling-houses which constitute a distinct class (whether by reference to the kind of dwelling-house concerned or the housing estate or other larger area in which they are situated).

Rights of landlord where secure tenancy appears to have been abandoned

41.—(1) Where the landlord under a secure tenancy has reasonable grounds for believing that—

- (a) the dwelling-house is unoccupied, and
- (b) the tenant does not intend to occupy it as his home,

the landlord shall be entitled to enter the dwelling-house at any time, for the purpose of making safe the dwelling-house, and any fittings, fixtures or furniture.

(2) For the purposes of paragraph (1) the landlord and its servants or agents may open, by force if necessary, any door or window of the dwelling-house.

(3) Where the, landlord—

- [^{F1}(a) has reasonable grounds for believing the matters mentioned in paragraph (1)(a) and (b); and]
- (b) wishes to take possession of the dwelling-house,

the landlord shall serve on the tenant a notice in the prescribed form—

- (i) stating that it has reason to believe that the dwelling-house is unoccupied and that the tenant does not intend to occupy it as his home;
- (ii) requiring the tenant to inform it in writing within four weeks of service of the notice if he intends to occupy the dwelling-house as his home; and
- (iii) informing the tenant that, if it appears to the landlord at the end of the said period of four weeks that the tenant does not intend so to occupy the dwelling-house, the secure tenancy will be terminated forthwith.

(4) Where the landlord has—

- (a) served on the tenant a notice which complies with paragraph (3); and
- (b) made such inquiries as may be necessary to satisfy the landlord that the dwelling-house is unoccupied and that the tenant does not intend to occupy it as his home,

and at the end of the period of four weeks mentioned in paragraph (3) is so satisfied, it may serve a further notice on the tenant which shall bring the tenancy to an end forthwith.

(5) Where a tenancy has been terminated under paragraph (4) the landlord shall be entitled to take possession of the dwelling-house forthwith without any further proceedings.

(6) The Department may by order make provision for the landlord to ensure the safe custody and delivery to the tenant of any property which is found in a dwelling house to which this Article applies; and in particular—

- (a) for requiring charges to be paid in respect of such property before it is delivered to the tenant; and
- (b) for authorising the disposal of such property, if the tenant has not arranged for its delivery to him before the expiry of such period as the order may specify and the application of any proceeds towards any costs incurred by the landlord and any rent due but unpaid by the tenant to the landlord.

F1 Art. 41(3)(a) substituted (30.6.2011) by [Housing \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 22\)](#), ss. [15\(1\)](#), [25\(1\)](#); S.R. 2011/241, [art. 2\(1\)](#), Sch. 1

Tenant's right of appeal against termination of tenancy under Article 41

42.—(1) A tenant under a secure tenancy who is aggrieved by termination of the tenancy by the landlord under Article 41 may appeal to the court within six months after the date of the termination.

(2) Where in proceedings under paragraph (1) it appears to the court that—

- (a) the landlord has failed to comply with any provision of Article 41; or
- (b) the landlord did not have reasonable grounds for finding that the dwelling-house was unoccupied, or did not have reasonable grounds for finding that the tenant did not intend to occupy it as his home; or
- (c) the landlord was in error in finding that the tenant did not intend to occupy the dwelling-house as his home, and the tenant had reasonable cause, by reason of illness or otherwise, for failing to notify the landlord of his intention so to occupy it,

the court shall—

- (i) where the dwelling-house has not been let to a new tenant, make an order that the secure tenancy shall continue; or
- (ii) in any other case, direct the landlord to make other suitable accommodation available to the tenant.

(3) Part II of Schedule 3 shall have effect to determine whether accommodation is suitable for the purposes of paragraph (2)(ii).

Article 43 rep. by 1989 NI 4

Changes to legislation:

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1983, Cross Heading: Housing management.