
STATUTORY INSTRUMENTS

2003 No. 412

The Housing (Northern Ireland) Order 2003

PART III

GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING

CHAPTER I

INTRODUCTORY

Interpretation of Part III

28.—(1) In this Part—

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

“elderly” means aged 60 years or over;

“house in multiple occupation” has [^{F1}the meaning given by section 1 of the Act of 2016] ;

“housing action area” has the same meaning as in Article 2(2) of the Order of 1981;

“improvement” includes alteration and enlargement;

“owner”, in relation to a dwelling, has the meaning given by Article 32, and, in relation to a house in multiple occupation, has [^{F2}the meaning given by section 88(5) and (6) of the Act of 2016] ;

“owner's interest”, in relation to any premises, means—

- (a) a freehold estate in possession (whether legal or equitable), or
- (b) an interest under a tenancy granted or extended for a term of years of which not less than 10 years remain unexpired at the date of the application,

whether held by the applicant alone or jointly with others;

“partner”, in relation to a person, means that person's spouse[^{F3} or civil partner] or a person other than a spouse[^{F3} or civil partner] with whom he or she lives as husband or wife[^{F3} or as if they were civil partners] ;

“rack rent” means a rent which is not less than two-thirds of the net annual value of the dwelling, or a rent which [^{F4}is recoverable by virtue of the Private Tenancies (Northern Ireland) Order 2006];

“relevant authority” means the authority for the area in which the dwelling or building is situated; and references to an authority and to the area of an authority shall be construed in accordance with paragraphs (2), (3) and (4) of Article 2 of the Children (Northern Ireland) Order 1995 (NI 2);

“tenancy” includes a sub-tenancy and an agreement for a tenancy or sub-tenancy;

“tenant” includes a sub-tenant and any person deriving title under the original tenant or sub-tenant.

(2) Subject to paragraph (3) a tenancy is a long tenancy for the purposes of this Part if—

- (a) it is a tenancy granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by a notice given by or to the tenant or by re-entry, forfeiture or otherwise; or
- (b) it is a tenancy granted under an equity-sharing lease within the meaning of Article 31(6) of the Order of 1981.

(3) A tenancy is not a long tenancy for those purposes if it is an interest created by way of security and liable to termination by the exercise of a right of redemption or otherwise.

(4) In this Part references to a person being connected with the owner of a dwelling shall be construed in accordance with Article 31.

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| <p>F1 Words in art. 28(1) substituted (1.4.2019) by Houses in Multiple Occupation Act (Northern Ireland) 2016 (c. 22), s. 90(2), Sch. 7 para. 6(1)(a); S.R. 2019/39, art. 2 (with art. 3)</p> |
| <p>F2 Words in art. 28(1) substituted (1.4.2019) by Houses in Multiple Occupation Act (Northern Ireland) 2016 (c. 22), s. 90(2), Sch. 7 para. 6(1)(b); S.R. 2019/39, art. 2 (with art. 3)</p> |
| <p>F3 2004 c. 33</p> |
| <p>F4 Words in art. 28(1) in definition of "rack rent" substituted (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 74, Sch. 4 para. 13; S.R. 2006/428, art. 3(b)(c)</p> |

Changes to legislation:

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 2003, Section 28.