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STATUTORY INSTRUMENTS

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**2003 No. 412**

The Housing (Northern Ireland) Order 2003

PART II

CONDUCT OF TENANTS

CHAPTER II

INTRODUCTORY TENANCIES

*Succession on death of tenant*

**Persons qualified to succeed tenant**

**13.** A person is qualified to succeed the tenant under an introductory tenancy if he occupies the dwelling-house as his only or principal home at the time of the tenant's death and either—

- (a) he is the tenant's spouse, or
- (b) he is another member of the tenant's family and has resided with the tenant throughout the period of 12 months ending with the tenant's death;

unless, in either case, the tenant was himself a successor, as defined in Article 14.

**Cases where the tenant is a successor**

**14.—**(1) The tenant is himself a successor if—

- (a) the tenancy vested in him by virtue of Article 15 (succession to introductory tenancy),
- (b) he was a joint tenant and has become the sole tenant,
- (c) he became the tenant on the tenancy being assigned to him (but subject to paragraphs (2) and (3)), or
- (d) he became the tenant on the tenancy being vested in him on the death of the previous tenant.

(2) A tenant to whom the tenancy was assigned in pursuance of an order under—

- (a) Article 26 of the [Matrimonial Causes \(Northern Ireland\) Order 1978 \(NI 15\)](#) (property adjustment orders in connection with matrimonial proceedings),
- (b) Article 21 of the [Matrimonial and Family Proceedings \(Northern Ireland\) Order 1989 \(NI 4\)](#) (property adjustment orders after overseas divorce, &c.), or
- (c) Part II of Schedule 2 to the [Family Homes and Domestic Violence \(Northern Ireland\) Order 1998 \(NI 6\)](#) (orders transferring certain tenancies on divorce, etc. or on separation of cohabitees),

is a successor only if the other party to the marriage was a successor.

(3) Where within 6 months of the coming to an end of an introductory tenancy ("the former tenancy") the tenant becomes a tenant under another introductory tenancy, and—

- (a) the tenant was a successor in relation to the former tenancy, and
- (b) under the other tenancy either the dwelling-house or the landlord, or both, are the same as under the former tenancy,

the tenant is also a successor in relation to the other tenancy unless the agreement creating that tenancy otherwise provides.

### **Succession to introductory tenancy**

**15.**—(1) This Article applies where a tenant under an introductory tenancy dies.

(2) Where there is a person qualified to succeed the tenant, the tenancy vests by virtue of this Article in that person, or if there is more than one such person in the one to be preferred in accordance with the following rules—

- (a) the tenant's spouse is to be preferred to another member of the tenant's family;
- (b) of 2 or more other members of the tenant's family such of them is to be preferred as may be agreed between them or as may, where there is no such agreement, be selected by the landlord.

(3) Where there is no person qualified to succeed the tenant, the tenancy ceases to be an introductory tenancy—

- (a) when it is vested or otherwise disposed of in the course of the administration of the tenant's estate, unless the vesting or other disposal is in pursuance of an order made under—
  - (i) Article 26 of the [Matrimonial Causes \(Northern Ireland\) Order 1978 \(NI 15\)](#) (property adjustment orders in connection with matrimonial proceedings),
  - (ii) Article 21 of the [Matrimonial and Family Proceedings \(Northern Ireland\) Order 1989 \(NI 4\)](#) (property adjustment orders after overseas divorce, &c.),
  - (iii) paragraph 2 of Schedule 1 to the [Children \(Northern Ireland\) Order 1995 \(NI 2\)](#) (orders for financial relief against parents); or
  - (iv) Part II of Schedule 2 to the [Family Homes and Domestic Violence \(Northern Ireland\) Order 1998 \(NI 6\)](#) (orders transferring certain tenancies on divorce, etc., and on separation of cohabitees),
- (b) when it is known that when the tenancy is so vested or disposed of it will not be in pursuance of such an order.