

SCHEDULE 2

Regulation 15

To be inserted after Schedule 1A to the principal Regulations

“SCHEDULE 1B

Regulation 10A(3)(b) & 12A(2)(b)

Excluded Tenancies

1. An excluded tenancy is any tenancy to which any of the following paragraphs apply.
- 2.—(1) Subject to sub-paragraphs (2) and (3), where the Executive has made a determination, which relates to the tenancy in question or any other tenancy of the same dwelling this paragraph applies to—
 - (a) the tenancy in respect of which that determination was made, and
 - (b) any other tenancy of the same dwelling on terms which are substantially the same, other than the term relating to the amount of rent, as those terms were at the time of that determination or, if earlier, at the end of the tenancy.
- (2) Sub-paragraph (1) shall not apply unless the determination mentioned in that sub-paragraph is made within the period of 12 months ending on the date on which the Executive received the claim in question.
- (3) Sub-paragraph (1) shall not apply where subsequent to the making of the determination mentioned in that sub-paragraph—
 - (a) the number of occupiers of the dwelling has changed and that dwelling is not in a hostel;
 - (b) there has been a substantial change in the condition of the dwelling (including the making of improvements) or the terms of the tenancy other than a term relating to rent;
 - (c) in a case where the Executive has made a determination for the purposes of paragraph 2 of Part I of Schedule 1A (size and rent determinations), but since the date of the application for that determination—
 - (i) a child, who is a member of the household occupying the dwelling, has attained the age of 10 years;
 - (ii) a young person, who is a member of the household occupying that dwelling, has attained the age of 16 years, or
 - (iii) there is a change in the composition of the household occupying the dwelling.
3. This paragraph applies where the landlord is a registered housing association, except in a case where the Executive consider that—
 - (a) the claimant occupies a dwelling larger than is reasonably required by him and any others who occupy that dwelling (including any non-dependants of his and any person paying rent to him), or
 - (b) the rent payable for that dwelling is unreasonably high.
4. This paragraph applies to a tenancy which is a protected or statutory tenancy within the meaning of the Rent (Northern Ireland) Order 1978(1).
5. This paragraph applies to a housing association tenancy which is a housing association tenancy to which Article 3 of the Housing (Northern Ireland) Order 1992(2) applies.

(1) S.I.1978/1050 (N.I. 20)
(2) S.I. 1992/1725 (N.I. 15)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

6.—(1) Subject to sub-paragraph (2) this paragraph applies to a tenancy in respect of a dwelling comprised in land which has been disposed of under Article 88 of the Housing (Northern Ireland) Order 1981⁽³⁾.

(2) This paragraph shall not apply to a tenancy to which sub-paragraph (1) refers if there has been an increase in rent since the disposal occurred.

7. In this Schedule expressions have the same meaning as in regulation 12A(5) and, in the case of a determination under regulation 12A(1), any reference to a “tenancy” shall be taken as a reference to a prospective tenancy and any reference to an “occupier” or any person “occupying” a dwelling shall, in the case of such a determination, be taken to be a reference to a potential occupier or potential occupation of that dwelling.”

(3) S.I. 1981/156 (N.I. 3)