STATUTORY RULES OF NORTHERN IRELAND

2003 No. 410

HOUSING

Introductory Tenants (Review) Regulations (Northern Ireland) 2003

Made - - - - 15th September 2003

Coming into operation 1st November 2003

The Department for Social Development, in exercise of the powers conferred on it by Article 11(3) and (4) of the Housing (Northern Ireland) Order 2003(**1**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Introductory Tenants (Review) Regulations (Northern Ireland) 2003 and shall come into operation on 1st November 2003.

(2) In these Regulations –

(a) "tenant" means introductory tenant; and

(b) "landlord" means the Executive or a registered housing association, where the Executive or registered housing association has elected to operate an introductory tenancy regime.

Right to a hearing

2. The review under Article 11 of the Housing (Northern Ireland) Order 2003 of the decision to seek an order for possession of a dwelling-house let under an introductory tenancy shall not be by way of an oral hearing unless the tenant informs the landlord that he wishes to have such a hearing before the end of the time permitted under paragraph (1) of that Article to request a review of that decision.

Who is to carry out the review

3. The review shall be carried out by a person who was not involved in the decision to apply for an order for possession and is senior to the officer who made that decision.

(**1**) S.I.2003/412 (N.I. 2); *see* Article 2(2) for the definitions of "the Department" and "the Executive"

Review without a a hearing

4. If there is not to be a hearing, the tenant may make representations in writing in connection with the review and such representations shall be considered by the landlord who shall inform the tenant of the date by which such representations must be received, which shall not be earlier than five clear days after receipt of this information by the tenant.

Review by way of a hearing

5.—(1) Subject to the provisions of this regulation, the procedure in connection with a review by way of a hearing shall be such as the person hearing the review shall determine.

(2) A tenant who has requested a hearing has the right to –

(a) be heard and to be accompanied and represented by another person whether that person is professionally qualified or not, and for the purposes of the proceedings any representative shall have the rights and powers which the tenant has under these Regulations;

(b) call persons to give evidence;

(c) put questions to any person who gives evidence at the hearing; and

(d) make representations in writing.

Notice of hearing

6. The landlord shall give the tenant notice of the date, time and place of the hearing, which shall be not less than five days after the receipt of the request for a hearing and if the tenant has not been given such notice, the hearing may only proceed with the consent of the tenant or his representative.

Absence of tenant at hearing

7. If any person shall fail to appear at the hearing, notice having been given to him in accordance with regulation 6, the person conducting the review may, having regard to all the circumstances including any explanation offered for the absence, proceed with the hearing notwithstanding his absence, or give such directions with a view to the conduct of the further review as that person may think proper.

Postponement of hearing

8. A tenant may apply to the landlord requesting a postponement of the hearing and the landlord may grant or refuse the application as he sees fit.

Adjournment of hearing

9. A hearing may be adjourned by the person hearing the review at any time during the hearing on the application of the tenant, his representative, or at the motion of the person hearing the review and, if a hearing is adjourned part heard and after the adjournment the person or persons hearing the review differ from those at the first hearing, otherwise than through the operation of regulation 7, proceedings shall be by way of a complete rehearing of the case.

Absence of person hearing the review

10. Where more than one person is conducting the review, any hearing may, with the consent of the tenant or his representative but not otherwise, be proceeded with in the absence of one of the persons who is to determine the review.