STATUTORY INSTRUMENTS

1985 No. 959 (N.I. 10)

The Rent (Amendment) (Northern Ireland) Order 1985

- - - - - - *25th June 1985*

Title and commencement

1. This Order may be cited as the Rent (Amendment) (Northern Ireland) Order 1985 and shall come into operation on the expiration of twenty-one days from the day on which it is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Recovery of possession under Case 11

3.—(1) In paragraph (1) of Case 11 in Schedule 4 to the Rent (Northern Ireland) Order 1978 (court must order possession of dwelling-house where a person who occupied the dwelling-house as his residence let it on a protected tenancy and the other requirements of that Case are satisfied) for the words from the beginning to "tenancy" (where it first appears) there shall be substituted the words " Where a person (in this Case referred to as "the owner-occupier") who let the dwelling-house on a protected tenancy had, at any time before the letting, occupied it as his residence ".

(2) After paragraph (2) of Case 11 in Schedule 4 to the Rent (Northern Ireland) Order 1978 there shall be added the following paragraph—

"(3) Where the dwelling-house has been let by the owner-occupier on a protected tenancy (in this paragraph referred to as "the earlier tenancy") granted on or after 16th November 1984 but not later than the end of the period of two months beginning with the day of the coming into operation of the Rent (Amendment) (Northern Ireland) Order 1985 and either—

(a) the earlier tenancy was granted for a term certain (whether or not followed by a further term or to continue thereafter from year to year or some other period) and was during that term a protected shorthold tenancy as defined in Article 92 of the Housing (Northern Ireland) Order 1983, or

(b) the conditions mentioned in paragraphs (a) to (c) of Case 18 were satisfied in relation to the dwelling-house and the earlier tenancy,

then for the purposes of sub-paragraph (b) of paragraph (1) the condition in sub-paragraph (a) of that paragraph is to be treated as having been satisfied with respect to the earlier tenancy." .

(3) Case 11 in Schedule 4 to the Rent (Northern Ireland) Order 1978, as that Case has effect by virtue of this Article, applies to tenancies granted and notices given before, as well as after, the coming into operation of this Order.