Changes to legislation: *The Housing (Northern Ireland) Order 1983 is up to date with all changes known to be in force on or before 12 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1983 No. 1118 (N.I. 15)

The Housing (Northern Ireland) Order 1983 [F1]

- - - - - - *27th July 1983*

F1 functions transf. by SR 1999/481

PART I

INTRODUCTORY

Title and commencement

1. This Order may be cited as the Housing (Northern Ireland) Order 1983 and shall come into operation on the expiration of the period of two months from the date on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F2] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the Department" means the Department of the Environment;

"the Executive" means the Northern Ireland Housing Executive;

"fee simple" includes a fee farm grant;

"mortgage" includes a charge;

"prescribe" means prescribe by regulations;

"the principal Order" means the Housing (Northern Ireland) Order 1981[F3].

F2 1954 c. 33 (N.I.).
F3 1981 NI 3

PART II

SECURE TENANTS

[F4CHAPTER I

SALE OF DWELLING-HOUSES BY THE EXECUTIVE

F4 Chapter 1 (arts. 3, 4) substituted for Chapter 1 (arts. 3-23) by 1992/1725 (NI 15), art. 96(1)(2).

[F5House sales scheme

3.—(1) The Executive shall prepare and submit to the Department a scheme to offer for sale or lease to its secure tenants, the dwelling-houses occupied by those tenants.

(2) A scheme submitted under paragraph (1) may contain such provision as the Executive considers appropriate and, without prejudice to the generality of the foregoing, shall include provision with respect to—

(a) the classes of dwelling-houses to which the scheme applies;

(b) the manner in which the purchase price of a dwelling-house is to be determined;

(c) the circumstances in which a purchaser is entitled to a discount of part of the purchase price and the basis upon which that discount is to be calculated;

(d) the circumstances in which discount may be repayable;

(e) the condition and covenants to be included in the conveyance or lease of the dwelling-house;

(f) the terms on which land used for the purposes of a dwelling-house is to be treated as included in the dwelling-house.

(3) A scheme submitted under paragraph (1) shall, if the Department so directs, include provision for the Executive to offer, in such circumstances as the Department may direct, to grant equity-sharing leases in relation to dwelling-houses to which the scheme applies.

(4) The Department may approve a scheme submitted under paragraph (1) with or without modifications.

(5) The Executive shall comply with a scheme approved by the Department under paragraph (4).

(6) The Executive may at any time, and if the Department so directs shall, submit to the Department proposals amending a scheme approved under paragraph (4) or a scheme replacing any such scheme; and paragraphs (3) to (5) shall have effect in relation to those proposals or a scheme replacing an existing scheme as they have effect in relation to a scheme.**]**

F5 Chapter 1 (arts. 3, 4) substituted for Chapter 1 (arts. 3-23) by 1992/1725 (NI 15), art. 96(1)(2).

[F6House sales by registered housing associations

3A.—(1) The Department shall make a scheme for registered housing associations to offer for sale or lease to their secure tenants, the dwelling-houses occupied by those tenants.

(2) A scheme made under paragraph (1) may contain such provision as the Department considers appropriate and, without prejudice to the generality of the foregoing, shall include provision with respect to the matters mentioned in sub-paragraphs (a) to (f) of Article 3(2).

(3) A scheme made under paragraph (1) may include provision for registered housing associations to offer, in such circumstances as the scheme may provide, to grant equity-sharing leases in relation to dwelling-houses to which the scheme applies.

(4) Registered housing associations shall comply with a scheme made under paragraph (1).

(5) The Department may at any time amend a scheme made under paragraph (1) or a scheme replacing any such scheme; and paragraphs (2) to (4) shall have effect in relation to an amended scheme or a scheme replacing an existing scheme as they have effect in relation to a scheme.**]**

F6 2003 NI 2

[F7House sales scheme: supplemental provision

4.—(1) In this Chapter—

"equity-sharing lease" has the meaning given in Article 31(6)(a) of the principal Order;

"purchase price" includes the consideration for the grant of a lease;

"sale" includes sale in consideration of a fee farm rent, rent charge or similar periodic payment; and

"secure tenant" has the meaning given in Article 24(1).

(2) Chapter I of Part I of, and Schedules 1 and 1A to, the Order of 1983, as that Chapter and those Schedules had effect immediately before the day of the coming into operation of Article 96 of the Housing (Northern Ireland) Order 1992 shall, notwithstanding anything in this Article or Part I of Schedule 9 continue to apply where, before that day, a secure tenant has served on the Executive a written notice under Article 7 of the Order of 1983 claiming to exercise the right to buy.

(3) In Article 106(2) of the Order of 1983 (regulations and orders subject to negative resolution) for the words "Article 21, 28(2)(a) or 92(3)" there shall be substituted " Article 28(2)(a) or 92(3) ".**]]**

F7 Chapter 1 (arts. 3, 4) substituted for Chapter 1 (arts. 3-23) by 1992/1725 (NI 15), art. 96(1)(2).

CHAPTER II

SECURITY OF TENURE AND RIGHTS OF SECURE TENANTS

Interpretation of Chapter II

24.—(1) In this Chapter—

"improvement" has the meaning given by Article 34(3);

[F8"introductory tenancy" has the same meaning as in Chapter II of Part II of the Housing (Northern Ireland) Order 2003;**]**

"landlord" has the meaning given by Article 25(2);

"registered housing association" does not include any such association whose rules—

(a) restrict membership to persons who are tenants or prospective tenants of the association, and

(b) preclude the granting or assignment of tenancies to persons other than**[F9** members**]**;

"rental period" means a period in respect of which a payment of rent falls to be made;

"secure tenant" means the tenant under a secure tenancy, and

"secure tenancy" has the meaning given in Article 25;

"successor" has the meaning given by paragraphs (4) and (5) of Article 26;

"term", in relation to a secure tenancy, includes a condition of the tenancy.

(2) For the purposes of this Chapter—

(a) a dwelling-house may be a house or part of a house;

(b) land let together with a dwelling-house shall be treated as part of the dwelling-house unless the land is agricultural land exceeding two acres;

and in this paragraph "agricultural land" has the meaning set out in paragraph 1(a) of Schedule 1 to the Rates (Northern Ireland) Order 1977.

(3) A person is a member of another's family within the meaning of this Chapter if he is his spouse**[**F10, civil partner**]**, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece; treating—

(a) any relationship by marriage**[**F10 or civil partnership**]** as a relationship by blood, any relationship of the half blood as a relationship of the whole blood and the stepchild of any person as his child; and

(b) an illegitimate person as the legitimate child of his mother and reputed father;

or if they live together as husband and wife**[**F10 or as if they were civil partners**]**.

F8 2003 NI 2
F9 1986 NI 13
F10 2004 c.33

Secure tenancies

Secure tenancies

25.—(1) A tenancy under which a dwelling-house is let as a separate dwelling is a secure tenancy at any time when the conditions described below as the landlord condition and the tenant condition are satisfied, but subject to the exceptions in Schedule 2.

(2) The landlord condition is that the estate of the landlord belongs to—

(a) the Executive; or

(b) a registered housing association;

and in this Chapter references to the landlord mean any body which fulfils the landlord condition.

(3) The tenant condition is that the tenant is an individual and occupies the dwelling-house as his only or principal home; or where the tenancy is a joint tenancy, that each of the joint tenants is an individual and at least one of them occupies the dwelling-house as his only or principal home.

Succession on death of tenant

26.—(1) Where on the death of the tenant under a secure tenancy there is a person qualified to succeed him, the tenancy vests by virtue of this Article in that person or, if there is more than one such person, in the one who is to be preferred in accordance with paragraph (3), unless the tenant was a successor.

(2) A person is qualified to succeed the tenant under a secure tenancy if he occupied 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**[**F11 or civil partner**]**; or

(b) he is another member of the tenant's family and has resided with the tenant throughout the period of twelve months ending with the tenant's death.

(3) Where there is more than one person qualified to succeed the tenant—

(a) the tenant's spouse**[**F11 or civil partner**]** is to be preferred to another member of the tenant's family; and

(b) of two 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.

(4) **[**F12Subject to**[**F11 paragraphs (4A) and (4B)**]]** the tenant under a secure tenancy is a successor if—

(a) the tenancy vested in him by virtue of paragraph (1); or

(b) he was a joint tenant and has become the sole tenant; or

(c) he became the tenant on the tenancy being assigned to him or on its being vested in him on the death of the previous tenant;[F13 or

(d) the tenancy was previously an introductory tenancy and he was a successor to the introductory tenancy.]

F12 . . .

[F12(4A) A tenant to whom the tenancy was assigned in pursuance of an order under Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978 is a successor only if the other party to the marriage was himself a successor; and a tenant to whom the tenancy was assigned by virtue of Article 32A is a successor only if he was a successor in relation to the tenancy which he himself assigned by virtue of that Article.**]**

[F11(4B) A tenant to whom the tenancy was assigned in pursuance of an order under any of the following provisions of the Civil Partnership Act 2004—

(a) Part 2 of Schedule 15; or

(b) paragraph 9(2) or (3) of Schedule 17,

is a successor only if the other civil partner was a successor.**]**

(5) Where within six months of the coming to an end of a secure tenancy (in this paragraph referred to as the former tenancy) the tenant becomes a tenant under another secure 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 is or both are the same as under the former tenancy;

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

F11 2004 c.33
F12 1986 NI 13
F13 2003 NI 2

Security of tenure

27.—(1) Subject to Articles 41 and 42, a secure tenancy cannot be brought to an end by the landlord except by obtaining an order of the court for the possession of the dwelling-house.

(2) Where the landlord obtains an order of the court for the possession of the dwelling-house the tenancy ends on the date on which the tenant is to give up possession in pursuance of the order.