

2010 No. 354

HOUSING

**The Introductory Tenancies (Abandoned Property) Order
(Northern Ireland) 2010**

Made - - - - - *14th October 2010*

Coming into operation- - - - - *17th December 2010*

The Department for Social Development makes the following Order in exercise of the powers conferred by Article 19A(6) of the Housing (Northern Ireland) Order 2003(a) and of every other power enabling it in that behalf.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Introductory Tenancies (Abandoned Property) Order (Northern Ireland) 2010 and shall come into operation on 17th December 2010.

(2) In this Order “the 2003 Order” means the Housing (Northern Ireland) Order 2003.

Notice to be served

2. Where property is found in a dwelling-house to which Article 19A of the 2003 Order applies, the landlord shall immediately serve a notice in writing on the tenant that the property is available for delivery to the tenant at a place specified in the notice, on payment of any sum payable in accordance with Article 5 of this Order and that if the property is not collected by the tenant from the specified place on or before the date specified in the notice (being a date not less than 28 days from the date of service of the notice and not earlier than the date on which the landlord repossesses the dwelling-house), the landlord may dispose of the property in accordance with the provisions of this Order.

Storage and sale of property

3.—(1) Subject to paragraph (2), property, in respect of which a notice under Article 2 has been served on the tenant and which has not been collected by the date specified in the notice, shall be stored by the landlord for a period of 6 months from the date on which the landlord took possession of the dwelling-house and, after expiry of that period, the landlord may sell any item remaining in the landlord’s custody.

(2) Paragraph (1) shall not apply to any property the value of which would not, in the opinion of the landlord, exceed the amount which the landlord would be entitled to deduct under Article 7 in respect of storage costs from the proceeds of any sale of such item.

(a) S.I. 2003/412 (N.I. 2); Article 19A was inserted by section 9(3) of the Housing (Amendment) Act (Northern Ireland) 2010 (c. 9)

4. Where any property (to which paragraph (1) of Article 3 does not apply and in respect of which a notice under Article 2 has been served on the tenant) has not been collected by the date specified in the notice, the landlord may sell or otherwise dispose of it in the manner which the landlord considers is most expedient.

Payment to the landlord

5. Where at any time prior to the sale or disposal of property under this Order the tenant, or any other person who appears to the landlord to have a right of ownership or of possession in the property, arranges for delivery to himself of any item, the landlord shall relinquish custody of that item upon receipt of a payment equal to the amount of any expense incurred by the landlord in complying with this Order in relation to that item.

Health and safety

6. Nothing in Articles 2 to 5 shall prejudice the exercise by any person of any power under any enactment relating to public health or public safety.

Landlord's expenses etc.

7. Where a landlord sells property under Article 3, the landlord may deduct from the proceeds of sale the amount of any expense incurred by the landlord in complying with this Order in relation to that property and, if any proceeds remain after deduction of such amount, the amount of any arrears of rent owed by the tenant.

Register of abandoned property

8.—(1) Where a landlord has taken possession of a dwelling-house under Article 19A(5) of the 2003 Order, the landlord shall maintain a register of those dwelling-houses and shall enter full particulars of all property found in each dwelling-house in the register.

(2) The landlord shall retain entries relating to property found in a dwelling-house on the register for the period of 5 years from the date on which the landlord took possession of the house.

(3) The landlord shall make the register available for inspection by members of the public at all reasonable times.

Sealed with the Official Seal of the Department for Social Development on 14th October 2010



Heather Cousins
A senior officer of the
Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order prescribes the procedures to be followed by the Housing Executive and registered housing associations in respect of property found in a house let under an introductory tenancy which has been repossessed under Article 19A of the Housing (Northern Ireland) Order 2003.

Article 2 provides that a tenant shall be advised by notice that if property found in the house is not collected within a specified time it may be disposed of in accordance with the Order.

Article 3 provides that property of a value sufficient to cover the cost of storage shall be stored for 6 months and may thereafter be sold.

Article 4 provides that property of a value insufficient to cover the cost of storage may be disposed of in the manner which the landlord considers is the most expedient.

Article 5 provides that the landlord shall, on receipt of payment of his expenses, surrender any property to which the Order applies to any person appearing to be entitled to delivery of the property.

Article 6 provides that nothing in Articles 2 to 5 of this Order shall prejudice the exercise of any powers under any enactments relating to public health or public safety.

Article 7 provides that the landlord may deduct from the proceeds of sale of any property to which the Order applies any expenses incurred in complying with the Order and the amount of any arrears of rent.

Article 8 provides that landlords shall maintain for 5 years in a register open to public inspection information as to property found in houses to which the Order applies.

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