

SCHEDULES

SCHEDULE 2 **N.I.**

Article 25 (1).

TENANCIES WHICH ARE NOT SECURE TENANCIES

Long leases

1. ^{F1}

(1) A tenancy is not a secure tenancy if—

- (a) it is a tenancy granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture; or
- (b) it is a tenancy created by an equity-sharing lease within the meaning of Article 31 (6) of the principal Order.

^{F2}

^{F1}(2) For the purposes of this paragraph a tenancy granted in pursuance of Chapter 1 of Part II of this Order is a long lease notwithstanding that it is granted for a term not exceeding 21 years.]

F1 2003 NI 2
F2 1986 NI 13

^{F3}Introductory tenancies

F3 2003 NI 2

[

^{F4}**1A.** A tenancy is not a secure tenancy if it is an introductory tenancy or a tenancy which has ceased to be an introductory tenancy—

- (a) by virtue of Article 15(3) of the Housing (Northern Ireland) Order 2003 (disposal on death to non-qualifying person), or
- (b) by virtue of the tenant, or in the case of a joint tenancy every tenant, ceasing to occupy the dwelling-house as his only or principal home.]]

F4 2003 NI 2

Premises occupied under contract of employment

2.—(1) ^{F5}Subject to sub-paragraph (3)] a tenancy is not a secure tenancy if the tenant is an employee of the landlord and his contract of service requires him to occupy the dwelling-house for the better performance of his duties.

(2) In sub-paragraph (1) “contract of service” means a contract of service or apprenticeship, whether express or implied and (if express) whether oral or in writing.

Changes to legislation: The Housing (Northern Ireland) Order 1983, SCHEDULE 2 is up to date with all changes known to be in force on or before 29 June 2024. 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

[^{F5}(3) A tenancy under sub-paragraph (1) shall become a secure tenancy if the landlord notifies the tenant that the tenancy is to be regarded as a secure tenancy.]

F5 [2003 NI 2](#)

Land acquired for development

3. A tenancy is not a secure tenancy if the dwelling-house is on land which has been acquired for development (within the meaning of [^{F6}section 23 of the Planning Act (Northern Ireland) 2011]) and the dwelling-house is used by the landlord, pending development of the land, as temporary housing accommodation.

F6 Words in Sch. 2 para. 3 substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 6 para. 46](#) (with s. 211); [S.R. 2015/49](#), arts. 2, 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

[^{F7}Accommodation for homeless persons

F7 [2003 NI 2](#)

3A. A tenancy granted by the landlord in pursuance of any function of the Executive under Part II of the Housing (Northern Ireland) Order 1988 (housing the homeless) is not a secure tenancy unless the landlord has notified the tenant that the tenancy is to be regarded as a secure tenancy.]

[^{F8}Accommodation for asylum#seekers

F8 [1999 c.33](#)

3A.—(1) A tenancy is not a secure tenancy if it is granted in order to provide accommodation [^{F9}under section 4 or Part VI of the Immigration and Asylum Act 1999] .

(2) A tenancy mentioned in sub#paragraph (1) becomes a secure tenancy if the landlord notifies the tenant that it is to be regarded as a secure tenancy.]

F9 Words in [Sch. 2 para. 3A\(1\)](#) substituted (16.6.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), [ss. 43\(4\)\(b\)](#), 62; [S.I. 2006/1497](#), [art. 3](#), [Sch.](#)

F10 ...

F10 [Sch. 2 para. 3B](#) and cross-heading repealed (31.12.2020) by [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), reg. 1(2), [Sch. 3](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F10 **3B.**

Temporary letting to person seeking accommodation

4. A tenancy is not a secure tenancy if the dwelling-house is let by the landlord expressly on a temporary basis to a person moving into an area to take up employment there, and for the purpose of enabling him to seek accommodation in the area.

Short-term arrangements

5. A tenancy is not a secure tenancy if—
- (a) the dwelling-house has been leased to the landlord with vacant possession for use as temporary housing accommodation;
 - (b) the terms on which it has been leased include provision for the lessor to obtain vacant possession from the landlord on the expiry of a specified period or when required by the lessor;
 - (c) the lessor is not a body which is capable of granting secure tenancies; and
 - (d) the landlord has no interest in the dwelling-house other than under the lease in question or as mortgagee.

Temporary accommodation during works

6. A tenancy is not a secure tenancy if—
- (a) the dwelling-house has been made available for occupation by the tenant^[F11] (or a predecessor in title of his)] while works are carried out on the dwelling-house which he previously occupied as his home; and
 - (b) the tenant^[F11] or predecessor] was not a secure tenant of that other dwelling-house at the time when he ceased to occupy it as his home.

F11 1986 NI 13

Licensed premises

7. A tenancy is not a secure tenancy if the dwelling-house consists of or comprises premises licensed for the sale of intoxicating liquor for consumption on the premises.

Business tenancies

8. A tenancy is not a secure tenancy if it is one to which^[F12] the Business Tenancies (Northern Ireland) Order 1996] applies.

F12 1996 NI 5

^[F13]Defective dwelling#houses

F13 1986 NI 13

9. A tenancy is not a secure tenancy if—
- (a) the tenant became a tenant of the landlord by virtue of the landlord's acquisition of an interest in the dwelling#house under Part II of the Housing (Northern Ireland) Order 1986; and
 - (b) the tenant is not entitled to be granted a secure tenancy under paragraph (2) or (3) of Article 11 of that Order.]

^[F14]Qualifying shorthold tenancies

F14 2003 NI 2

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10.—(1) A tenancy is not a secure tenancy if it is a qualifying shorthold tenancy within the meaning of sub-paragraph (2).

(2) A tenancy which is granted—

(a) after the coming into operation of Article 134 of the Housing (Northern Ireland) Order 2003; and

(b) for a term certain of not less than one year and not more than 5 years,

is a qualifying shorthold tenancy if and so long as—

(i) the estate of the landlord belongs to a registered housing association; and

(ii) the tenancy satisfies such other requirements or conditions as may be prescribed.]

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 2 para. 3A(1) words omitted by [2016 c. 19 Sch. 11 para. 2\(b\)\(ii\)](#)