



## 2011 CHAPTER 22

*Anti-social behaviour, etc.*

### **Withholding of consent to mutual exchange of secure tenancies**

**12.—(1)** In Schedule 3A to the [Housing \(Northern Ireland\) Order 1983 \(NI 15\)](#) (grounds for withholding consent to assignment by way of exchange) after Ground 2 insert—

*“Ground 2A*

Either—

- (a) a relevant order or suspended Ground 2 possession order is in force, or
- (b) an application is pending before any court for a relevant order or a Ground 2 possession order to be made,

in respect of the tenant or the proposed assignee or a person who is residing with either of them.

A “relevant order” means—

- (a) an injunction under Chapter 4 of Part 2 of the [Housing \(Northern Ireland\) Order 2003](#) (injunctions against anti-social behaviour);
- (b) an injunction against breach of a tenancy agreement granted or sought on the grounds that the tenant—
  - (i) is engaging in, or threatening to engage in, conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality;
  - (ii) is using or threatening to use the premises for immoral or illegal purposes; or

- (iii) is allowing, inciting or encouraging any other person to engage or threaten to engage in such conduct or use or threaten to use the premises for such purposes;
  - (c) an anti-social behaviour order under Article 3 or 6 of the Antisocial Behaviour (Northern Ireland) Order 2004;
  - (d) an interim anti-social behaviour order under Article 4 or 6A of that Order.
- A “Ground 2 possession order” means an order for possession under Ground 2 in Schedule 3.

Where the tenancy of the tenant or the proposed assignee is a joint tenancy, any reference to that person includes (where the context permits) a reference to any of the joint tenants.

#### *Ground 2B*

The tenant or the proposed assignee or a person who is residing with either of them has been convicted of—

- (a) an offence involving using the dwelling house of which the tenant or the proposed assignee is the secure tenant, or allowing it to be used, for immoral or illegal purposes, or
- (b) an indictable offence.”.

(2) The amendment made by this section applies in relation to applications for consent under Article 32A of that Order (assignments by way of exchange) which are made on or after the day on which this section comes into operation.

#### **Disclosure of information as to orders, etc. in respect of anti-social behaviour**

**13.—(1)** Any person may disclose relevant information to a landlord under a secure tenancy if the information is disclosed for the purpose of enabling the landlord—

- (a) to decide whether Ground 2A or 2B in Schedule 3A to the [Housing \(Northern Ireland\) Order 1983 \(NI 15\)](#) (withholding of consent to mutual exchange where order in force or application pending in connection with anti-social behaviour etc.) can be invoked in relation to the tenant under the tenancy;
- (b) to decide whether a tenant is entitled to exercise a right under a scheme for house sales under Article 3 or 3A of the Housing (Northern Ireland) Order 1983; or
- (c) to take any appropriate action in relation to the tenant in reliance on the Grounds mentioned in paragraph (a) or a scheme mentioned in paragraph (b).

- (2) Any person may disclose relevant information to the Executive if the information is disclosed for the purpose of enabling the Executive to decide—
- (a) whether to treat an applicant for an allocation of housing accommodation as ineligible for such an allocation by virtue of Article 22A(6) of the [Housing \(Northern Ireland\) Order 1981 \(NI 3\)](#); or
  - (b) whether to treat an applicant for assistance under Part 2 of the [Housing \(Northern Ireland\) Order 1988 \(NI 23\)](#) (homelessness) as ineligible for that assistance by virtue of Article 7A(5) of that Order.
- (3) Any person may disclose relevant information to a registered housing association if the information is disclosed for the purpose of enabling the housing association to decide whether to allocate housing accommodation to any person.
- (4) In this section—
- (a) “registered housing association” has the same meaning as in Part 2 of the [Housing \(Northern Ireland\) Order 1992 \(NI 15\)](#);
  - (b) “relevant information” means information relating to any order or application mentioned in Ground 2A or 2B in Schedule 3A to the [Housing \(Northern Ireland\) Order 1983](#) and relevant for the purposes of any of the provisions mentioned in subsection (1) or (2) or the decision mentioned in subsection (3), including (in particular) information identifying the person in respect of whom any such order or application has been made;
  - (c) “secure tenancy” has the meaning given by Article 25 of the [Housing \(Northern Ireland\) Order 1983](#); and
  - (d) any reference to the tenant under a secure tenancy is, in relation to a joint tenancy, a reference to any of the joint tenants.

#### **Possession orders: conduct causing nuisance or annoyance**

**14.** In Article 29 of the [Housing \(Northern Ireland\) Order 1983 \(NI 15\)](#) after paragraph (3) insert—

- “(3ZA) The matters to be taken into account by the court in determining whether it is reasonable to make an order on ground 2(a) shall include—
- (a) the effect that the nuisance or annoyance has had on persons other than the person against whom the order is sought;
  - (b) any continuing effect the nuisance or annoyance is likely to have on such persons;
  - (c) the effect that the nuisance or annoyance would be likely to have on such persons if the conduct is repeated;
  - (d) the circumstances of the tenant and the likely effect of a possession order on the tenant and any person residing with the tenant.”.