

SCHEDULES

Schedules 1, 1A rep. by 1992 NI 15

SCHEDULE 2

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

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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.

[^{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\(1\)](#)

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^{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

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- (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

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.]

SCHEDULE 3

Articles 29, 42(3) and 47.

FOUNDATIONS FOR POSSESSION OF DWELLING-HOUSES LET UNDER SECURE TENANCIES

PART I

FOUNDATIONS ON WHICH COURT MAY ORDER POSSESSION

Ground 1

Any rent lawfully due from the tenant has not been paid or any obligation of the tenancy has been broken or not performed.

[^{F15}Ground 2

F15 2003 NI 2

The tenant or a person residing in or visiting the dwelling-house—

(a) has been guilty of 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, or

(b) has been convicted of—

(i) [^{F16}an offence involving] using the dwelling-house or allowing it to be used for immoral or illegal purposes, or

(ii) an [^{F17}indictable] offence committed in, or in the locality of, the dwelling-house.]

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- F16** Words in Sch. 3 Pt. I inserted (31.7.2010) by [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\), ss. 11, 19\(1\); S.R. 2010/251, art. 2](#)
- F17** Word in Sch. 3 Pt. I substituted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\), arts. 1\(2\), 15\(4\), Sch. 1 para. 21](#)

- F16** Words in Sch. 3 Pt. I inserted (31.7.2010) by [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\), ss. 11, 19\(1\); S.R. 2010/251, art. 2](#)
- F17** Word in Sch. 3 Pt. I substituted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\), arts. 1\(2\), 15\(4\), Sch. 1 para. 21](#)

[^{F18}Ground 2A

F18 [2003 NI 2](#)

[^{F19}The dwelling-house was occupied (whether alone or with others) by [^{F20}a married couple, a couple who are civil partners of each other] a couple living together as husband and wife [^{F20} or a couple living together as if they were civil partners] and—

- (a) one or both of the partners is a tenant of the dwelling-house,
- (b) one partner has left because of violence or threats of violence by the other towards—
 - (i) that partner, or
 - (ii) a member of the family of that partner who was residing with that partner immediately before the partner left, and
- (c) the court is satisfied that the partner who has left is unlikely to return while the other continues to occupy the dwelling-house.]]

F19 [2003 NI 2](#)
F20 [2004 c.33](#)

F19 [2003 NI 2](#)
F20 [2004 c.33](#)

Ground 3

The condition of the dwelling-house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing in the dwelling-house and, in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this paragraph, “the common parts” means any part of a building comprising the dwelling-house, and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling-houses let by the landlord.

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Ground 4

The condition of any relevant furniture has deteriorated owing to ill-treatment by the tenant or any person residing in the dwelling-house and, in the case of any ill-treatment by a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this paragraph “relevant furniture” means any furniture provided by the landlord for use under the tenancy or for use in any of the common parts (within the meaning given in Ground 3).

Ground 5

The tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by—

- [^{F21}(a) the tenant, or
- (b) a person acting at the tenant's instigation.]

F21 2003 NI 2

F21 2003 NI 2

[^{F22}Ground 5A

F22 1986 NI 13

The tenancy was assigned to the tenant, or to a predecessor in title of his who is a member of his family and is residing in the dwelling#house, by an assignment made by virtue of Article 32A and a premium was paid either in connection with that assignment or the assignment which the tenant or predecessor himself made by virtue of that Article.

In this paragraph “premium” means any fine or other like sum and any other pecuniary consideration in addition to rent.]

Ground 6

The dwelling-house was made available for occupation by the tenant[^{F23} (or a predecessor in title of his)] while works were carried out on the dwelling-house which he previously occupied as his only or principal home and—

- (a) [^{F23}the tenant or predecessor] was a secure tenant of that other dwelling-house at the time when he ceased to occupy it as his home;
- (b) [^{F23}the tenant or predecessor] accepted the tenancy of the dwelling-house of which possession is sought on the understanding that he would give up occupation when, on

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completion of the works, the other dwelling-house was again available for occupation by him under a secure tenancy; and

- (c) the works have been completed and the other dwelling-house is so available.

F23 1986 NI 13

F23 1986 NI 13

Ground 7

The landlord intends, within a reasonable time of obtaining possession of the dwelling-house—

- (a) to demolish or reconstruct the building or part of the building comprising the dwelling-house; or
- (b) to carry out work on that building or on land let together with, and thus treated as part of, the dwelling-house;

and cannot reasonably do so without obtaining possession of the dwelling-house.

Ground 8

The dwelling-house has features which are substantially different from those of ordinary dwelling-houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of a kind provided by the dwelling-house and—

- (a) there is no longer such a person residing in the dwelling-house; and
- (b) the landlord requires it for occupation (whether alone or with other members of his family) by such a person.

Ground 9

The dwelling-house is let by a registered housing association which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing; and—

- (a) either there is no longer such a person residing in the dwelling-house or the tenant has received from the Executive an offer of accommodation in premises which are to be let as a separate dwelling under a secure tenancy; and
- (b) the association requires the dwelling-house for occupation (whether alone or with other members of his family) by such a person.

Ground 10

The dwelling-house is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons with special needs and—

- (a) a social service or special facility is provided in close proximity to the group of dwelling-houses in order to assist persons with those special needs;

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- (b) there is no longer a person with those special needs residing in the dwelling-house; and
- (c) the landlord requires the dwelling-house for occupation (whether alone or with other members of his family) by a person who has those special needs.

Ground 11

The accommodation afforded by the dwelling-house is more extensive than is reasonably required by the tenant and—

- (a) the tenancy vested in the tenant, by virtue of Article 26, on the death of the previous tenant;
- (b) the tenant was qualified to succeed by virtue of paragraph (2) (b) of that Article; and
- (c) notice of the proceedings for possession was served under Article 28^{F24} (or, where no such notice was served, the proceedings for possession were begun)] more than six months, but less than twelve months, after the date of the previous tenant's death.

F24 2003 NI 2

F24 2003 NI 2

PART II

SUITABILITY OF ACCOMMODATION

Modifications etc. (not altering text)

C1 Sch. 3 Pt. II (paras. 1-3) applied by [Housing \(Northern Ireland\) Order 2003 \(S.I. 2003/412 \(N.I. 2\)\)](#), art. 19B(5) (as inserted (31.7.2010) by [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\)](#), ss. 9(3), 19(1); S.R. 2010/251, art. 2)

1.—(1) For the purposes of Chapter II of Part II of this Order, accommodation is suitable if it consists of premises—

- (a) which are to be let as a separate dwelling under a secure tenancy, or
- (b) which are to be let as a separate dwelling under a protected tenancy (other than one of a kind mentioned in sub-paragraph (2)) within the meaning of the Rent (Northern Ireland) Order 1978.

and, in the opinion of the court, the accommodation is reasonably suitable to the needs of the tenant and his family.

(2) The kind of protected tenancy referred to in sub-paragraph (1) is one under which the landlord might recover possession of the dwelling-house under one of the Cases in Part II of Schedule 4 to the said Order of 1978 (cases where court must order possession).

^{F25}**1A** For the purposes of Article 19B of the Housing (Northern Ireland) Order 2003, accommodation is suitable if it consists of premises which are to be let as a separate dwelling under an introductory tenancy (within the meaning of Article 6 of that Order) and, in the opinion of the court, the accommodation is reasonably suitable to the needs of the tenant and the tenant's family.]

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F25 Sch. 3 Pt. II para. 1A inserted (31.7.2010) by [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\)](#), [ss. 9\(5\)\(a\)](#), 19(1); S.R. 2010/251, [art. 2](#)

2. In determining whether it is reasonably suitable to those needs regard shall be had to—
- the nature of the accommodation which it is the practice of the landlord to allocate to persons with similar needs;
 - the distance of the accommodation available from the place of work or education of the tenant and of any members of his family;
 - its distance from the home of any member of the tenant's family if proximity to it is essential to that member's or the tenant's well-being;
 - the needs (as regards extent of accommodation) and means of the tenant and his family;
 - the terms on which the accommodation is available and the terms of the ^{F26} . . . tenancy;
 - if any furniture was provided by the landlord for use under the ^{F27} . . . tenancy, whether furniture is to be provided for use in the other accommodation and, if it is, the nature of that furniture.

F26 Word in Sch. 3 Pt. II para. 2(e) omitted (31.7.2010) by virtue of [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\)](#), [ss. 9\(5\)\(b\)](#), 19(1); S.R. 2010/251, [art. 2](#)

F27 Word in Sch. 3 Pt. II para. 2(f) omitted (31.7.2010) by virtue of [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\)](#), [ss. 9\(5\)\(b\)](#), 19(1); S.R. 2010/251, [art. 2](#)

3. Where the dwelling-house is let by a registered housing association, a certificate of the Executive certifying that it will provide suitable accommodation for the tenant by a date specified in the certificate shall be conclusive evidence that suitable accommodation will be available for him by that date.

[^{F28}SCHEDULE 3A

GROUNDS FOR WITHHOLDING CONSENT TO ASSIGNMENT BY WAY OF EXCHANGE

F28 1986 NI 13

Ground 1

The tenant or the proposed assignee is obliged to give up possession of the dwelling#house of which he is the secure tenant in pursuance of an order of the court, or will be so obliged at a date specified in such an order.

Ground 2

Proceedings have been begun for possession of the dwelling#house of which the tenant or the proposed assignee is the secure tenant on one or more of grounds 1 to 5A as set out in Part I of Schedule 3 or there has been served on the tenant or the proposed assignee a notice under Article 28 which specifies one or more of those grounds and that notice is still in force.

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^{F29}Ground 2A

F29 Sch. 3A: Grounds 2A, 2B inserted (1.9.2011) by Housing (Amendment) Act (Northern Ireland) 2011 (c. 22), ss. 12(1), 25(1) (with s. 12(2)); S.R. 2011/241, art. 2(2), Sch. 2

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.]

Ground 3

The accommodation afforded by the dwelling#house is substantially more extensive than is reasonably required by the proposed assignee.

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Ground 4

The extent of the accommodation afforded by the dwelling#house is not reasonably suitable to the needs of the proposed assignee and his family.

Ground 5

The dwelling#house has features which are substantially different from those of ordinary dwelling#houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling#house and, if the assignment were made, there would no longer be such a person residing in the dwelling#house.

Ground 6

The landlord is a registered housing association which lets dwelling#houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing and, if the assignment were made, there would no longer be such a person residing in the dwelling#house.

Ground 7

The dwelling#house is one of a group of dwelling#houses which it is the practice of the landlord to let for occupation by persons with special needs and a social service or special facility is provided in close proximity to the group of dwelling#houses in order to assist persons with those special needs and, if the assignment were made, there would no longer be a person with those special needs residing in the dwelling#house.]

Schedules 4#8 rep. by 1992 NI 15

Schedules 9, 10—Amendments

SCHEDULE 11

Article 108.

SAVINGS AND TRANSITIONAL PROVISIONS

1. —The repeal by this Order of any statutory provision relating to any grant or contribution shall not affect any power or duty to act on any application or arrangements made or proposals approved before the date of the coming into operation of this Order, any power to reduce the rate at which any such grant or contribution is paid, any obligation to observe any condition falling to be observed in pursuance of any such statutory provision, any liability attaching to the breach of such a condition or any obligation to make a payment in consequence thereof, any power to vary the rate of interest on

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such a payment or the imposition of such a condition by such a statutory provision where a standard grant or improvement grant or reconditioning grant is paid by virtue of this paragraph.

2. Notwithstanding the repeal by this Order of Chapter I of Part IV of the principal Order—
 - (a) where, before the date of the coming into operation of this Order, the Executive received an application for a repairs grant in respect of a house erected on or after 31st December 1956, nothing in Article 67 (2) shall operate to prohibit the approval of such application;
 - (b) where, before the date of the coming into operation of this Order, the Executive—
 - (i) received an application for an intermediate or a repairs grant relating to a house the net annual value of which is less than £60 and in respect of which a district council has issued a regulated rent certificate under Article 9 of the Rent (Northern Ireland) Order 1978,
 - (ii) but approves the application after that date, the percentage specified in Article 68 (3) of the principal Order shall apply in relation to such a grant.

3. In sub-paragraph (1) “reconditioning grant” means a grant under section 7 of the Housing on Farms Act (Northern Ireland) 1972.

SCHEDULE 12—Revocations

Status:

Point in time view as at 29/08/2022.

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