
STATUTORY INSTRUMENTS

2003 No. 412

The Housing (Northern Ireland) Order 2003

PART III

GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING

CHAPTER I

INTRODUCTORY

Interpretation of Part III

28.—(1) In this Part—

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

“elderly” means aged 60 years or over;

“house in multiple occupation” has the same meaning as in Part IV of the Order of 1992;

“housing action area” has the same meaning as in Article 2(2) of the Order of 1981;

“improvement” includes alteration and enlargement;

“owner”, in relation to a dwelling, has the meaning given by Article 32, and, in relation to a house in multiple occupation, has the same meaning as in Article 2 of the Order of 1981;

“owner’s interest”, in relation to any premises, means—

(a) a freehold estate in possession (whether legal or equitable), or

(b) an interest under a tenancy granted or extended for a term of years of which not less than 10 years remain unexpired at the date of the application,

whether held by the applicant alone or jointly with others;

“partner”, in relation to a person, means that person’s spouse or a person other than a spouse with whom he or she lives as husband or wife;

“rack rent” means a rent which is not less than two-thirds of the net annual value of the dwelling, or a rent which has been fixed in accordance with the [Rent \(Northern Ireland\) Order 1978 \(NI 20\)](#);

“relevant authority” means the authority for the area in which the dwelling or building is situated; and references to an authority and to the area of an authority shall be construed in accordance with paragraphs (2), (3) and (4) of Article 2 of the [Children \(Northern Ireland\) Order 1995 \(NI 2\)](#);

“tenancy” includes a sub-tenancy and an agreement for a tenancy or sub-tenancy;

“tenant” includes a sub-tenant and any person deriving title under the original tenant or sub-tenant.

(2) Subject to paragraph (3) a tenancy is a long tenancy for the purposes of this Part 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 a notice given by or to the tenant or by re-entry, forfeiture or otherwise; or
 - (b) it is a tenancy granted under an equity-sharing lease within the meaning of Article 31(6) of the Order of 1981.
- (3) A tenancy is not a long tenancy for those purposes if it is an interest created by way of security and liable to termination by the exercise of a right of redemption or otherwise.
- (4) In this Part references to a person being connected with the owner of a dwelling shall be construed in accordance with Article 31.