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STATUTORY INSTRUMENTS

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**2006 No. 1459**

**The Private Tenancies (Northern Ireland) Order 2006**

**PART V**

**AMENDMENTS OF THE RENT ORDER**

**Assignment and sub-letting**

**59.**—(1) After the commencement of this Order, a protected tenancy or a statutory tenancy of a dwelling-house shall not be capable of being assigned, except in pursuance of an order made under any of the provisions mentioned in paragraph (2).

(2) Those provisions are—

- (a) Article 26 of the [Matrimonial Causes \(Northern Ireland\) Order 1978 \(NI 15\)](#) (property adjustment orders in connection with divorce proceedings);
- (b) Article 26 of the [Matrimonial and Family Proceedings \(Northern Ireland\) Order 1989 \(NI 4\)](#) (orders for transfer of certain tenancies);
- (c) Schedule 1 to the [Children \(Northern Ireland\) Order 1995 \(NI 2\)](#) (orders for financial relief against parents);
- (d) Part II of Schedule 2 to the [Family Homes and Domestic Violence \(Northern Ireland\) Order 1998 \(NI 6\)](#) (orders for transfer of certain tenancies on divorce etc. or separation of co-habitees);
- (e) Part II of Schedule 15 and paragraph 9 of Schedule 17 to the Civil Partnership Act 2004 (c. 33) (property adjustment orders and orders for financial relief on or after dissolution, nullity or separation).

(3) Articles 17 and 18 of the Rent Order (provisions relating to change of statutory tenant by agreement) shall cease to have effect.

(4) Any person, who immediately before the commencement of this Order was deemed to be a statutory tenant of a dwelling-house by virtue of paragraph (1) of Article 17 of the Rent Order, shall continue as such thereafter notwithstanding the repeal of that Article, if and so long as he occupies the dwelling-house as his residence.

(5) For Article 19 of the Rent Order (effect on sub-tenancies of determination of superior tenancies), there shall be substituted—

**“Determination of sub-tenancies**

**19.** Where—

- (a) the whole or part of a dwelling-house—
  - (i) let on a protected tenancy, or
  - (ii) subject to a statutory tenancy,is sub-let; and

- (b) after the commencement of Article 59 of the Private Tenancies (Northern Ireland) Order 2006 the landlord becomes entitled, as against the tenant, to possession of the dwelling-house;

the landlord shall also be entitled to possession against the sub-tenant.”.