

1983 No. 285

HOUSING

Secure Tenancies (Notice) Regulations (Northern Ireland) 1983

Made 20th September 1983

Coming into operation 28th September 1983

The Department of the Environment in exercise of the powers conferred on it by Articles 28(2)(a) and 106(1) of the Housing (Northern Ireland) Order 1983(a) and of every other power enabling it in that behalf hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Secure Tenancies (Notice) Regulations (Northern Ireland) 1983 and shall come into operation on 28th September 1983.

Form of notice

2. The notice to be served on a secure tenant under Article 28 of the Housing (Northern Ireland) Order 1983 before the court can entertain proceedings for possession of a dwelling-house let under a secure tenancy shall be in the form prescribed in the Schedule.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 20th September 1983.

(L.S.)

E. A. Simpson

Assistant Secretary

THIS NOTICE IS THE FIRST STEP TOWARDS REQUIRING YOU TO GIVE UP POSSESSION OF YOUR DWELLING. YOU SHOULD READ IT, AND ALL THE NOTES, VERY CAREFULLY.

HOUSING (NORTHERN IRELAND) ORDER 1983, ARTICLE 28

NOTICE OF SEEKING POSSESSION

- 1. To: (name(s) of secure tenants(s))
.....
- 2. The [name of landlord] intends to apply to the Court for an order requiring you to give up possession of:—
..... (address of property)
.....
.....
- 3. Possession will be sought on ground(s) of Part I of Schedule 3 to the Housing (Northern Ireland) Order 1983 which read(s):—
[give text of ground(s) in full]
- 4. The reasons for taking this action are:—
- 5. The Court proceedings will not be begun until after
.....

Signed

On behalf of

Address

.....

.....

Tel. No.

Date

NOTES

Grounds for possession

1. If you have a secure tenancy under the Housing (Northern Ireland) Order 1983, you can only be required to leave your dwelling following an order of the Court on one or more of the grounds set out in the Order. Paragraph 3 of this Notice tells you on what grounds an order is sought against you and paragraph 4 gives the landlord's reasons for believing those grounds apply. If you do not agree that they apply, you will be able to argue your case at a hearing in Court.

Does the Court have to grant the landlord possession?

2. Before the Court grants an order on any of the grounds 1 to 6 or 8 to 11 it must be satisfied that it is reasonable to require you to leave. This means that, if one of these grounds is set out in paragraph 3 of this Notice, you will be able to argue to the Court that it is not reasonable you should have to leave, even if you accept the grounds do apply.

Suitable alternative accommodation

3. Before the Court grants an order on any of the grounds 7 to 11 it must be satisfied that there will be suitable alternative accommodation for you when you have to leave. This means that the Court will have to decide that, in their opinion, there will be other accommodation which is reasonably suitable for the needs of you and your family, taking into particular account various factors such as the nearness of your place of work and the sort of housing that other people with similar needs are offered. Your new home will have to be let to you on another secure tenancy or a protected tenancy under the Rent (Northern Ireland) Order 1978 of a kind that will give you similar security. There is no requirement for suitable alternative accommodation where grounds 1 to 6 apply.

4. If your landlord is a registered housing association, and the Executive gives a certificate that it will provide you with suitable accommodation, the Court has to accept the certificate.

5. Whatever grounds for possession are set out in paragraph 3 of this Notice, the Court may allow any of the other grounds to be added at a later stage. If this is done, you will be told about it so you can argue about the new ground if you want to.

Time limits

6. Court proceedings cannot be begun until after the date given in paragraph 5 of this Notice. This date cannot be earlier than the date when your tenancy could have been brought to an end. This means that if you have a weekly or fortnightly tenancy, there should be at least 4 weeks between the date this Notice is given and the date in paragraph 5.

7. After the date in paragraph 5, court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months is up the notice will lapse and it will be necessary for a new notice to be served before possession can be sought.

Leaving without a Court order

8. If you are willing to give up possession without a Court order, you should notify the person who signed the notice as soon as possible and specify a date on which your tenancy is to terminate. This date must be not less than four weeks from the date of notification.

Further advice

9. If you need advice about this Notice, and what you should do about it, take it as quickly as possible to a Citizens' Advice Bureau, a Housing Aid Centre, Law Centre or to a Solicitor. You may be able to receive Legal Aid but this will depend on your personal circumstances.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations prescribe the form of notice which has to be served on a secure tenant under the Housing (Northern Ireland) Order 1983 before the court can entertain proceedings for possession of a dwelling-house let under a secure tenancy.