
DRAFT STATUTORY INSTRUMENTS

2003 No.

The Housing (Northern Ireland) Order 2003

PART II

CONDUCT OF TENANTS

CHAPTER IV

INJUNCTIONS AGAINST ANTI-SOCIAL BEHAVIOUR

Power to grant injunctions against anti-social behaviour

26.—(1) The High Court or a county court may, on an application by the relevant landlord, grant an injunction prohibiting a person from—

- (a) engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in residential premises to which this Article applies or in the locality of such premises,
 - (b) using or threatening to use residential premises to which this Article applies for immoral or illegal purposes, or
 - (c) entering residential premises to which this Article applies or being found in the locality of any such premises.
- (2) This Article applies to residential premises of the following descriptions—
- (a) dwelling-houses held under secure tenancies or introductory tenancies;
 - (b) dwelling-houses held under qualifying shorthold tenancies from registered housing associations;
 - (c) accommodation provided under Part II of the Order of 1988 (homelessness);
 - (d) other accommodation provided by the Executive or a registered housing association and of such description as may be prescribed for the purposes of this Article;
 - (e) dwelling-houses held under private tenancies of such description as may be prescribed for the purposes of this Article.

In sub-paragraph (e) “private tenancies” has the same meaning as in the [Rent \(Northern Ireland\) Order 1978 \(NI 20\)](#).

(3) The court shall not grant an injunction under this Article unless it is of the opinion that there is a significant risk of harm to any person of a description mentioned in paragraph (1)(a) if the injunction is not granted.

- (4) An injunction under this Article may—
- (a) in the case of an injunction under paragraph (1)(a) or (b), relate to particular acts or to conduct, or types of conduct, in general or both, and
 - (b) in the case of an injunction under paragraph (1)(c), relate to particular premises or a particular locality;

and may be made for a specified period or until varied or discharged.

(5) An injunction under this Article may be varied or discharged by the court on an application by—

- (a) the respondent, or
- (b) the relevant landlord concerned.

(6) The court may, in any case where it considers that it is just and convenient to do so, grant an injunction under this Article, or vary such an injunction, even though the respondent has not been given such notice of the proceedings as would otherwise be required by rules of court or county court rules.

If the court does so, it must afford the respondent an opportunity to make representations relating to the injunction or variation as soon as just and convenient at a hearing of which notice has been given to all the parties in accordance with rules of court or county court rules.

(7) In this Article “the relevant landlord” means—

- (a) in relation to residential premises of a description mentioned in any of sub-paragraphs (a) to (d) of paragraph (2), the Executive or a registered housing association, and
- (b) in relation to residential premises of a description mentioned in sub-paragraph (e) of that paragraph, the landlord of the premises concerned.

Meaning of “harm”

27.—(1) For the purposes of Article 26(3) “harm”—

- (a) in relation to a person who has reached the age of 18 years, means ill-treatment or the impairment of health, and
- (b) in relation to a child, means ill-treatment or the impairment of health or development.

(2) Where the question of whether harm suffered by a child is significant turns on the child’s health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.

(3) In this Article—

“child” means a person under the age of 18 years;

“health” includes physical or mental health; and

“ill-treatment”, in relation to a child, includes sexual abuse and forms of ill-treatment which are not physical.