1995 No. 299

HOUSING

Secure Tenancies (Abandoned Property) Order (Northern Ireland) 1995

Made	*25th July 1995*
Coming into operation . .	*5th September1995*

The Department of the Environment, in exercise of the powers conferred on it by Article 41(6) of the Housing (Northern Ireland) Order 1983(**a**) and of every other power enabling it in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Secure Tenancies (Abandoned Property) Order (Northern Ireland) 1995 and shall come into operation on 5th September 1995.

(2) In this Order "the 1983 Order" means the Housing (Northern Ireland) Order 1983.

Notice to be served

2. Where property is found in a dwelling-house to which Article 41 of the 1983 Order applies, the landlord shall immediately serve a notice in writing on the tenant that the property is available for delivery to the tenant at a place specified in the notice, on payment of any sum payable in accordance with Article 5 of this Order and that if the property is not collected by the tenant from the specified place on or before the date specified in the notice (being a date not less than 28 days from the date of service of the notice and not earlier than the date on which the landlord repossesses the dwelling-house), the landlord may dispose of the property in accordance with the provisions of this Order.

Storage and sale of property

3.—(1) Subject to paragraph (2), property, in respect of which a notice under Article 2 has been served on the tenant and which has not been collected by the date specified in the notice, shall be stored by the landlord for a period of 6 months from the date on which the landlord took possession of the dwelling-house and, after expiry of that period, the landlord may sell any item remaining in the landlord's custody.

(2) Paragraph (1) shall not apply to any property the value of which would not, in the opinion of the landlord, exceed the amount which the

(a) S.I. 1983/1118 (N.I. 15)

landlord would be entitled to deduct under Article 7 in respect of storage costs from the proceeds of any sale of such item.

Sale or disposal of property not required to be stored

4. Where property (to which paragraph (1) of Article 3 does not apply and in respect of which a notice under Article 2 has been served on the tenant) has not been collected by the date specified in the notice, the landlord may sell or otherwise dispose of it in the manner which the landlord considers is most expedient.

Payment to the landlord

5. Where at any time prior to the sale or disposal of property under this Order the tenant, or any other person who appears to the landlord to have a right of ownership or of possession in the property, arranges for delivery to himself of any item, the landlord shall relinquish custody of that item upon receipt of a payment equal to the amount of any expense incurred by the landlord in complying with this Order in relation to that item.

Health and safety

6. Nothing in Articles 2 to 5 shall prejudice the exercise by any person of any power under any enactment relating to public health or public safety.

Landlord's expenses etc

7. Where a landlord sells property under Article 3, the landlord may deduct from the proceeds of sale the amount of any expense incurred by the landlord in complying with this Order in relation to that property and, if any proceeds remain after deduction of such amount, the amount of any arrears of rent owed by the tenant.

Register of abandoned property

8.—(1) Where a landlord has taken possession of a dwelling-house under Article 41(5) of the 1983 Order, the landlord shall maintain a register of those dwelling houses and shall enter full particulars of all property found in each dwelling house in the register.

(2) The landlord shall retain entries relating to property found in a dwelling house on the register for the period of 5 years from the date on which the landlord took possession of that house.

(3) The landlord shall make the register available for inspection by members of the public at all reasonable times.

Sealed with the Official Seal of the Department of the Environment on 25th July 1995.

(L.S.) *C. D. Doake*

Assistant Secretary

EXPLANATORY NOTE

(*This note is not part of the Order*)

The Order prescribes the procedure to be followed by landlords (defined by Articles 24 and 25(2) of the Housing (Northern Ireland) Order 1983 ("the 1983 Order") as the Northern Ireland Housing Executive and Registered Housing Associations) in respect of property found in a house which has been repossessed under Article 41 of the 1983 Order.

Article 2 provides that a tenant shall be advised by notice that if property found in the house is not collected within a specified time it may be disposed of in accordance with the Order.

Article 3 provides that property of a value sufficient to cover the cost of storage shall be stored for 6 months and may thereafter be sold.

Article 4 provides that property of a value insufficient to cover the cost of storage may be disposed of in the most expedient manner.

Article 5 provides that the landlord shall, on receipt of payment of his expenses, surrender any property to which the Order applies to any person appearing to be entitled to delivery of the property.

Article 6 provides that nothing in Articles 2 to 5 of this Order shall prejudice the exercise of any powers by persons under any enactments relating to public health or public safety.

Article 7 provides that the landlord may deduct expenses incurred in complying with the Order and the amount of any arrears of rent from the proceeds of sale of any property to which the Order applies.

Article 8 provides that landlords shall maintain for 5 years in a register, open to public inspection, information as to property found in houses to which the Order applies.

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Road Races (Carrowdore 100) Order (Northern Ireland) 1995

This Order, being of a temporary character, is not printed at length is this volume.